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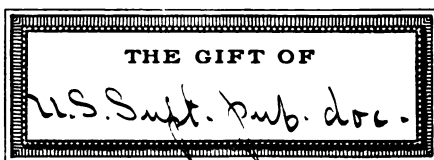
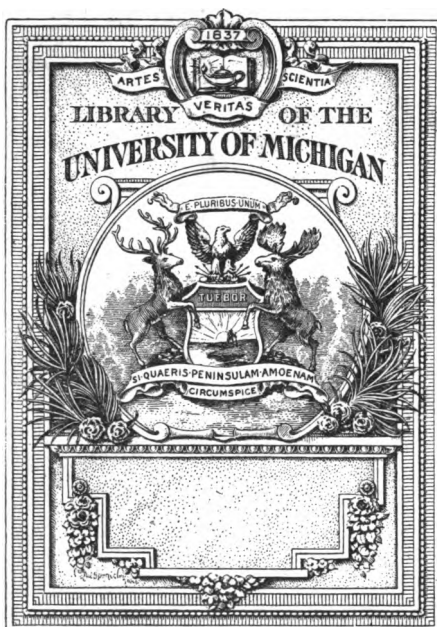
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DEPARTMENT OF THE INTERIOR—BUREAU OF EDUCATION.

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BULLETIN.  
NO. 1, 1906.

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THE EDUCATION BILL OF 1906 FOR  
ENGLAND AND WALES  
AS IT PAST THE HOUSE OF COMMONS.

BY

ANNA TOLMAN SMITH.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1906.



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# LETTER OF TRANSMITTAL.

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DEPARTMENT OF THE INTERIOR,  
BUREAU OF EDUCATION,  
*Washington, D. C., August 30, 1906.*

SIR: In accordance with the provisions of the act approved May 28, 1896 (29 Stat. L., 171), authorizing the publication by the Bureau of Education of a bulletin "as to the condition of higher education, technical and industrial education, facts as to compulsory attendance in the schools, and such other educational topics in the several States of the Union and in foreign countries as may be deemed of value to the educational interests of the States," I have the honor to present herewith the first number of such bulletin for the year 1906, and to recommend its publication. This paper, prepared under my direction by Miss Anna Tolman Smith, of the staff of this Office, relates to the new English education bill, which had past the House of Commons and had gone to second reading in the House of Lords before the beginning of the present recess of Parliament. The introductory portion shows the relation of this bill to the historical development of public education in England and Wales. The passages carefully selected from the debate in Parliament and from other public utterances, show the nature of the changes which the bill would introduce by showing the attitude of the different parties and of well-known leaders toward those changes. Finally, the full text of the bill is given as it left the Commons, together with the text of the more important provisions of the act of 1902, now in force, which are necessary to a full understanding of the new measure.

The great interest in this bill which has been manifested in our country, the fact that for several months it has been and for months to come it is likely to be the pivot of English politics and of English education, and the further fact that it presents, in their English form, questions with which, in underlying principle, American education is concerned—these considerations give warrant to the hope that such a publication will be found timely and useful.

The following additional numbers of this bulletin are in course of preparation, and will, in all likelihood, be ready for publication during the coming fall and winter:

One relating to the report on American education recently made by the commission appointed by the Prussian ministry of commerce and industry, who visited this country in 1904;

One relating to the changes which have been made in our State school systems since 1904;

One relating to changes in city school systems within the same period;

One relating to the German *Hilfsschulen*, or schools for backward and exceptional children.

Very respectfully,

ELMER ELLSWORTH BROWN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

*Principal dates in the history of the system of popular education, England and Wales.*

1833. First grant (£20,000) made by Parliament for elementary education in England and Wales to be administered by the national and British foreign school societies (annually renewed).
1838. Committee of House of Commons appointed to investigate the education of the poorer classes.
1839. Committee of council on education established; annual grant increased to £30,000.
1846. Minutes issued by council on education recognizing definitely denominational (voluntary) schools and denominational training colleges for teachers; pupil-teacher system recognized.
1847. Commission of inquiry into education in Wales.
- 1858-1861. Duke of Newcastle's commission on state of popular education.
1861. Code (Lowe's) issued establishing system of payment by results (i. e., of examination of individual pupils).
1870. Elementary education act (Forster's) passed, requiring efficient schools to be maintained throughout the kingdom and providing for the election of local school boards to establish schools where needed; hence the dual system of board schools and voluntary schools both sharing in the government grant on the same conditions; board schools to draw further support from local taxes, but forbidden to give sectarian religious instruction.
1876. Amending act passed establishing the compulsory principle and creating school attendance committees for its enforcement in districts having no school board.
1880. Law obliging local educational authorities to make by-laws for the enforcement of compulsory school attendance.
- 1889-1891. Technical instruction laws authorizing county councils to levy a tax not exceeding a penny in the pound for the support of technical schools.
1890. Local taxation, customs, and excise law, placing the surplus of the liquor duties at the disposal of county councils, with the privilege of applying the same to technical instruction.
1891. Law providing for an extra grant for schools remitting tuition fees.
1893. (1) Law making 11 years the minimum age for exemption from school attendance, and requiring an examination in a grade not lower than the fourth for every child seeking exemption from school attendance; (2) law authorizing school boards to make special provision for the elementary instruction of blind children and of deaf and dumb children.
1897. Law providing a special grant for the benefit of "voluntary" (chiefly denominational) schools at the rate of 5s. per capita of average attendance; also authorizing the federation of voluntary schools and the allotment of the grant at the discretion of the governing bodies of the federations.
1899. (1) Law (defective and epileptic children's act) "empowering local educational authorities, at their discretion, to establish special schools or classes for mentally or physically defective children and special boarding institutions for juvenile epileptics;" (2) law raising the minimum age for exemption from school attendance from 11 to 12 years; (3) creating a board of education to replace "the education department and the science and art department, providing also for the transfer to the new board of certain powers exercised by the charity commissioners with respect to educational trusts and endowments, and for the transfer to the board of the educational functions of the board of agriculture." Further, the law authorizes "a consultative committee, to be constituted by an order in council, consisting of persons qualified to represent the views of universities and other bodies interested in education for the purpose of framing, with the approval of the board of education, a register of teachers and of advising the board of education on any matter referred to them by the board." The law also authorizes the board "to inspect any school supplying secondary education and desiring to be so inspected."—Board on Education, act, 1899 (62 & 63, Vict. C., 33).
1900. Law authorizing local authorities to extend the upper limit of compulsory attendance from the thirteenth to the fourteenth year of age.
1902. Law reorganizing the national system of education, abolishing elected school boards, and transferring their duties to county and municipal councils (London excepted); admitting "voluntary" schools to share in the local taxes without control by local authorities; providing also for education other than elementary (secondary and technical).
1903. Law reorganizing system of education in London on the lines of law of 1902.

# THE EDUCATION BILL OF 1906 FOR ENGLAND AND WALES AS IT PAST THE HOUSE OF COMMONS.

By ANNA TOLMAN SMITH.

## ORIGIN AND GENERAL PURPOSE OF THE BILL.

The new education bill for England and Wales was introduced into the House of Commons April 9, 1906, by the Hon. Augustine Birrell, minister of education.<sup>a</sup> It reached committee stage early in June, in which stage, under closure, its consideration was completed within the limit of twenty-three appointed days. It was reported to the House with amendments July 27, and past at the third reading by a majority of 192 in a total vote of 546.

The measure was thus completed in the lower house in time to reach the second reading in the House of Lords before Parliament rose (August 4), which insures for it their earliest consideration in the autumn session.

When the Conservative ministry resigned in December last and a Liberal ministry was formed, it was understood that education would be their first concern; the election which followed placed the matter beyond doubt; it gave the Liberals a majority of 61 in the House of Commons over all possible combinations, and a combined Liberal and Labor majority of 145. The electoral campaign had been fought out mainly over the educational question—that is, the question of popular control of schools supported by local taxes. In this respect the policy of the new bill was practically settled before Parliament assembled.

In the Commons, the controversy between Liberals and Conservatives over the main question has been mingled with the conflicting demands of Nationalists, who in this matter stand for the Roman Catholic ideal, and those of the Labor party, whose call is for secular schools. After four months of exhaustive discussion the bill has emerged from the House, changed indeed from its original form, but intact as regards its main purposes.

By the provisions of the bill the dual system of board and voluntary schools established by the law of 1870 and strengthened by the law of 1902 is abolished.

After the 1st of January, 1908, every school supported by public taxes is to be under the control of the local authorities. Religious tests for teachers required heretofore in voluntary schools are abolished.

So far as the public provision of religious teaching is concerned, the simple Scripture lesson, the famous "Cowper-Temple" teaching allowed by the law of 1870 in board schools, is to be the universal system.

Special arrangements for denominational teaching in the voluntary schools transferred to the local authorities are made under the head of "facilities;" but this teaching is not to be given at public expense, nor during the recognized school hours, nor by the regular teachers, excepting in special cases coming under the "extended facilities clause." The latter clause with its corollary, the "contracting-out" scheme by which, under certain conditions, a denominational school may go back to the old basis established by the law of 1870—that is, may share in the Government grant as a private school—these complicate the measure without, however, the sacrifice of its vital principle.

As regards the local administration of schools the bill proposes important modifications in the system established by the law of 1902. In every aspect, therefore, the measure is

<sup>a</sup> The official title of the head of the Government board of education is "President of the board of education," but as Mr. Birrell is a member of the cabinet he is generally referred to as minister of education.

seen to be the outcome of historic conditions apart from which it is unintelligible. Hence, as preliminary to the presentation of the full text of the bill, it is proposed to consider here, first, the main particulars of the origin and growth of the existing school system in England (pp. 8-14); secondly, the main clauses of the bill in the light of the parliamentary discussions (pp. 14-31).

The full text of the bill follows on pages 31-40.

### HISTORIC ANTECEDENTS.

#### ORIGIN OF THE DENOMINATIONAL OR VOLUNTARY SCHOOL SYSTEM.

Prior to 1870 the only schools for the poor in England were schools established by private bequests or by philanthropic and ecclesiastical efforts. Early in the nineteenth century two societies, the British and Foreign School Society, which required Bible teaching without sectarian doctrine in its schools,<sup>a</sup> and the National Society, auxiliary to the Church of England, entered systematically upon the work. They roused public interest in the cause, established schools, elementary and normal, and secured large sums for their support by annual subscriptions. The passage of the reform bill of 1832, which greatly extended the franchise in England, awakened a new sense of peril from the ignorance of the masses, and in the following year (1833) a Parliamentary grant of £20,000 (\$100,000) was made in aid of elementary education. It was allotted to the two societies named, to be applied by them to the building of schoolhouses. The sense of responsibility in the matter grew apace. Leading statesmen, in particular Lord Brougham and Lord John Russell, took up the cause. The grant was annually renewed, increased in amount, and its applications extended. In 1839 a committee of the privy council was formed for the administration of the grant, and other religious denominations (Roman Catholic and Wesleyan) were soon after admitted to its benefits. Thus in 1870 there was already in existence a system of denominational schools, or, as they were termed, "voluntary" schools, aided by the state, but without compulsory existence or public control.

#### THE ELEMENTARY EDUCATION ACT, 1870.

Like the grant of 1833, the first education law for England and Wales, the Forster law of 1870, followed a reform law (1867) giving new extensions to the franchise. To the ever-increasing danger from ignorance there was added at this time the pressure of competition with nations more keenly alive to the industrial relations of science and art.

The revelations made by Mr. Forster in the speech presenting his bill roused the Government from its apathy. "More or less imperfectly," he said, "1,500,000 children are educated in the schools that we help. \* \* \* Of those between six and ten we have helped about 700,000 more or less, but we have left unhelped 1,000,000; while of those between ten and twelve, we have helped 250,000 and left unhelped at least 500,000."<sup>b</sup> In the great manufacturing centers hundreds of children of school age, the citizens and artisans of the future, ran wild in the streets. In Liverpool it was estimated that 20,000 out of 80,000 had no schooling; in Manchester 16,000 out of 65,000. In London the condition was appalling. "Where state help has been most wanted," said Mr. Forster, "state help has been least given."

To complete the voluntary system, "to fill up the gap," was the professed purpose of the Forster bill. Two principles ran thru its clauses, namely—

Legal enactment that there shall be efficient schools everywhere throughout the Kingdom. Compulsory provision of such schools if and where needed, but not unless proved to be needed.<sup>c</sup>

<sup>a</sup> In the Cowper-Temple clause of the education law of 1870 was embodied substantially the following regulation of this society: "No catechism or particular religious tenets shall be taught in the schools."—Cited from 17th Report of the Society (1822), p. 51.

<sup>b</sup> A verbatim report with indexes of the debate in Parliament during the progress of the elementary education bill, 1870, p. 6.

<sup>c</sup> Debate in Parliament, p. 8.

To this end there was set up side by side with the voluntary schools the machinery of a public school system. In every parish and borough the election of school boards was authorized, and to these bodies were imparted all the powers necessary for carrying on elementary schools, including that of borrowing money on the security of the school fund for building schoolhouses and of claiming rates (local property taxes) to make up any deficiency in their income from other sources. The election of school boards was left optional with the ratepayers, excepting that in any district where school provision was inadequate if the ratepayers failed to act, Government was to order the election. Thus at a critical moment in the national life the mandate of the state and the forces of municipal activity were turned to the service of education.

In the debate over this famous measure the question of religious instruction loomed large. As regards the board schools it was disposed of by the well-known Cowper-Temple clause forbidding them to teach any "religious catechism or religious formulary which is distinctive of any particular denomination." (Education act, 1870, sec. 14 (2).) The status of the voluntary schools in this respect remained intact, but they were bound by a "conscience clause" to permit the withdrawal from religious instruction of all children whose parents should so request. (Education act, 1870, sec. 7 (1-23).) As, however, the teachers in these schools were subject to religious tests the denominational spirit was all-pervasive.

It was admitted by both parties in 1870 that denominational schools under private control had no claim on the local taxes. On the other hand, the Government grant was allotted on the same basis to all schools. The amount in each case was determined by compliance with specified conditions as to buildings and teaching staff and "the results" of the teaching of elementary branches as reported by Government inspectors. It was further proportioned to the amount raised from local sources. These comprised, for voluntary schools, income from subscriptions, endowments, and fees; for board schools, local taxes and fees. The Government grant, which reached in 1870 the sum of £562,000 (\$2,810,000), it was anticipated would eventually furnish 50 per cent of the school income. This proportion has, in fact, been greatly exceeded.

The Forster act of 1870, which carried the impetus of Gladstone's support, forms the groundwork of all subsequent school legislation in England. The limits of Government action in the matter have been extended from time to time, in particular by the laws of 1876 and 1880 establishing compulsory school attendance, and the law of 1891 providing an additional grant for schools remitting fees, following thus the lead of the chief school boards, which had already made elementary instruction free. Until 1897, however, when a special aid grant was allowed for voluntary schools, there was no departure from the underlying principles of the original law.

#### PROGRESS OF BOARD SCHOOLS.

The impressive fact in the history of the dual school system created by the Forster Act is the phenomenal growth of the board schools. In 1873 they enrolled less than 8 per cent of the school children; in 1883 the proportion had risen to 32.7 per cent; and in 1902, the year school boards were abolished, to 47.9 per cent. Moreover, the elected boards were readily responsive to public needs; they appealed to civic pride; they represented municipal interests. In the great manufacturing and commercial centers of the country they developed higher grade schools of modern type and evening schools for the benefit of the artizan classes. Cities were transformed by their influence. "I remember," said Mr. Birrell in the speech on presenting his bill, "what my own native town—city it has become in my absence—was like before 1870. At least a quarter of its children were running idle, ragged, uneducated about its streets. The schools of the poor were nowhere to be seen. You could almost count on your fingers the lovers of education in that great place. Now the public elementary schools of Liverpool are among the best in the world. It has a training college connected with the Roman Catholics which attracts visitors from all parts of Europe, and it has a university, young indeed, but active and well endowed. Most of all



these things began with the school board; and they have made Liverpool, once a neglected city, a center, and a great center, of educational spirit and influence. What is true of Liverpool is true of dozens of other great places."<sup>a</sup>

#### THE STRAIN ON VOLUNTARY SCHOOLS.

It was impossible for "voluntary schools" to keep pace with this progress, which not only increased the annual expenditure for the schools, but required also costly buildings and equipment. In 1896 the school boards were spending on an average \$13 for the instruction of a pupil; voluntary schools spent only \$9, a difference of \$4 per pupil. In the cities the difference ran up to \$7 and \$9 per capita. It was the difference between the steady resource of a public tax and the uncertain action of private benevolence, and, according to Sir John Gorst, former chief of the education department, was "almost entirely represented by a lower payment of the teaching staff."

Complaints of the intolerable strain upon the voluntary schools won the attention of Parliament, and in 1897 a law was passed providing an extra grant at the rate of 5s. per capita of attendance for schools of this class. The law also authorized the federation of voluntary schools and the allotment of the grant at the discretion of the governing bodies of the federation.

The slight departure in 1897 from the basis of the original school law was followed by a series of events which greatly disturbed progressive school boards. The withdrawal of the grants from the science and art department for elementary schools (1900); the Cockerton judgment to the effect that school boards could not apply the income from local taxes for instruction in subjects other than elementary,<sup>b</sup> and the minute of the board of education (April 6, 1900) fixing 15 years as the upper age limit for pupils in higher elementary schools, had already disorganized the higher grade schools when the election of 1901 brought into power a ministry distinctly committed to the preservation of denominational schools.

#### THE NEW CENTRAL AUTHORITY.

Reference should here be made to the law of 1899 creating a new central authority, the board of education. To this body were committed educational functions hitherto performed by the following agencies: The committee of council on education, one division of which administered the grant for elementary schools and another division the grant for science and art schools; the charity commissioners, as related to the reorganization of educational trusts and endowments; and the board of agriculture. The new law did not limit the duties of the board to elementary education; it provided for "a consultative committee to be constituted by an order in council, consisting of persons qualified to represent the views of universities and other bodies interested in education for the purpose of framing, with the approval of the board of education, regulations for a register of teachers" and of "advising the board of education on any matter referred to them by the board." The law also authorized the board "to inspect any school supplying secondary education and desiring to be inspected."<sup>c</sup> Thus the weight of Government was thrown in favor of unity and system thruout the work of public education.

#### THE LAW OF 1902.

The purpose of the law of 1902, as stated by Mr. Balfour in his speech on presenting the measure to the House of Commons, was "to fulfil the pledge given in the King's speech that a bill should be introduced dealing not with secondary education or with primary education in their isolation, but with both in one measure and with a view to their better coordination."

In the interest of unity and coordination the school boards created by the law of 1870

<sup>a</sup> Parliamentary Debates, 4th series, vol. 155, p. 1019.

<sup>b</sup> *Rex. v. Cockerton*, L. R. [1901] 1 Q. B., p. 726.

<sup>c</sup> Board of education act, 1899 (82 and 63, Vict. C., 33).

were swept out of existence, and the voluntary schools were placed upon the local taxes but without control by public authorities.

In view of the protests from both Conservatives and Liberals against such a precedent, a slight modification was made by which the local education authorities were allowed to appoint two out of six managers of voluntary schools, and at the last moment the Kenyon-Slaney clause was carried which placed the religious instruction under the control of these managers. (Part III, sec. 6, 2.)<sup>a</sup>

The effects of the endeavor to put sectarian schools upon the taxes, in particular the remarkable movement of passive resistance which it excited,<sup>b</sup> and the united opposition of the Welsh councils, with the coercive efforts of the Government that followed,<sup>c</sup> have obscured the more important provisions of the law of 1902. These provisions relate to the local administration of schools and can not be understood without reference to conditions that made reform in this respect a matter of urgent necessity.

For elementary schools the units of local administration, as determined by the law of 1870, were towns, or, as they are technically termed, municipal boroughs, and civil parishes outside the towns.

In London, which was dealt with separately, the school districts already existing for purposes of the poor school laws were taken, and failing these, the vestries.

The choice was not ideal, but it was the best possible at the time. "We take," said Mr. Forster, "present known divisions and declare them to be school districts." These "known divisions," which seem so clear in the language of the law, were intermingled with other areas of overlapping boundaries subject to separate elections, distinct tax levies and governing powers, forming a complicated system which "it would require," Mr. Thring once said, "the genius of a local Moltke to reform."

Since 1870, however, great change has been wrought in local government in England. City administration has been unified thru the powers intrusted to elected councils (municipal corporations act of 1882), and the whole of England and Wales has been mapped out into 60 administrative counties and 61 county boroughs, having each more than 50,000 inhabitants, making, with the county of London (Greater London), 122 new administrative areas for local self-government. Each area is governed by a county council, elected like the municipal councils, by popular ballot. But these measures, which simplified local administration as a whole, further complicated that of the schools. The councils, municipal and county, were intrusted with public funds for technical education and were empowered also to levy a tax (not exceeding a penny in the pound) for the same purpose.<sup>d</sup> Hence in the cities and towns there was friction and waste of resources between school boards and the education committees of the councils. Everywhere reform was demanded, larger areas for the administration of rural schools, a paramount authority for cities and towns.

The Balfour bill supplied both these desiderata by making the councils of counties and county boroughs the education authorities in their respective areas (clause 1). But immediately, to allay the excitement in the great cities caused by the overthrow of the school boards, boroughs having more than 20,000 inhabitants and urban districts having more than 10,000 were given independent control of their schools. The fear also that higher grade schools would be discontinued was lessened by an amendment to clause 2 dealing with that subject. As originally drawn a local education authority was authorized to supply education other than elementary. The amendment made the action compulsory, and specified particularly the duty of making provision for training teachers and for coordinating all forms of education.<sup>e</sup>

<sup>a</sup> For text of Part III, see pp. 42-43.

<sup>b</sup> The national extent of the movement is illustrated by the following facts reported at the Free Church Conference, Birmingham, March, 1906, by the secretary of the "national passive resistance committee": "Up to that time 70,880 summonses had been issued against passive resisters; 2,645 sales had taken place, and there were 548 leagues, more or less, in active opposition to the education act; 176 passive resisters had gone to prison, and they were willing to go on doing so until the act was repealed." (School Government Chronicle, March 24, 1906, p. 276.)

<sup>c</sup> Education, local authority default act, 1904.

<sup>d</sup> Technical instruction acts, 1889, 1891; Local taxation (customs and excise) act, 1890.

<sup>e</sup> For text of clause, see p. 42.

There followed a concession to the smaller cities and to urban areas, giving their councils "concurrent powers with the county councils in respect to the expenditure for higher grade schools" (clause 3).<sup>a</sup> Finally, in view of the fact that the councils were already overtaxed, it was provided that they should delegate their powers under the law—excepting only the power of raising a rate or borrowing money—to education committees (Part IV, sec. 17),<sup>b</sup> while both councils and committees were relieved of the oversight of individual schools through the provision of school managers. (Part III, sec. 6.)<sup>c</sup>

Thus to the councils designated as education authorities in the first clause of the law (in all, 129) were added 201 city councils, 853 authorities for "higher" education, and an indefinite number of education committees and school managers.<sup>d</sup>

The London school board, excepted from the law of 1902, was abolished the following year by a special law and the London county council added to its already enormous task the administration of a school system charged with the instruction of nearly a million children and a public expenditure of £4,000,000 (\$20,000,000) a year.

As a result of the changes made by the law of 1902 in the status of elementary schools the old terms "board" and "voluntary" schools were replaced by the terms "provided" and "nonprovided" schools.<sup>e</sup> To the former class belong all schools provided by the local authorities, whether former board schools or new schools established by the councils; the voluntary schools were thenceforth to be termed "nonprovided." As the latter were admitted to share in the local taxes equally with the provided schools, the distinction between the two classes of schools was narrowed down to the privileges of denominational teaching and private control which the voluntary schools still retained.

The difficulties that beset local school administration in England are strikingly shown by the breaking down of the "one paramount authority" principle in the law of 1902. In spite, however, of complications and the indiscriminate sacrifice of the experienced school boards, called by Mr. Bryce, "the most potent and active force in education since 1870," the law of 1902 marks a distinct advance in respect to two particulars. As pointed out by Doctor Macnamara, "not only for the first time will every area in the country possess a public authority charged with the administration of education but also—and again for the first time—it is made possible to bring all grades of education, elementary, technical, and secondary, under one and the same local authority in each district. \* \* \* The act revolutionizes the system of financing education in this country. It sweeps away once and for all the dangerous anachronism of endeavoring in part to maintain the education of more than half the children attending the elementary schools out of voluntary contributions. \* \* \* For the first time, too, the local rate will be universalized. \* \* \* Of the entire ratable value of England and Wales—£186,500,000—quite sixty millions will thus be brought under compulsory contribution toward elementary education for the first time." <sup>f</sup>

#### THE MAGNITUDE OF THE SCHOOL SYSTEM.

The foregoing review sets in historic perspective the three great problems with which the education bill of 1906 has to deal—i. e., the basis of a national system, the just treatment of denominational schools, and local school administration. The magnitude of the educational work, the efficiency of which is the matter of prime importance, is indicated by the following tables, <sup>g</sup> which bring into comparative view the enrollment of pupils and the annual expenditure for the schools at the beginning of successive decades. In 1873, the first date selected, the law of 1870 was in full operation; in 1883 the compulsory principle had become well established; and by 1893 the "fee grant" provided by the law of 1891 had brought the

<sup>a</sup> For text of clause, see p. 42.

<sup>b</sup> For text, see p. 43.

<sup>c</sup> For text, see p. 42.

<sup>d</sup> See Macnamara, Doctor, *The new education act at work*. *Fortnightly Review*, January 1903.

<sup>e</sup> *Fortnightly Review*, January 1903.

<sup>f</sup> Taken from the official reports for the years specified.

great body of the schools to a free basis, more than four-fifths of the schools having at that date remitted fees and 4,236,867 pupils, above 82 per cent of the total number, having the benefit of free tuition. In 1903, when the education law of 1902 had come into operation, the proportion of free schools had risen to 93 per cent.

From Table I it will be seen that the elementary education of the masses in England is controlled practically by the Established Church and the local authorities. In the last decade included in the table (1893-1903) the latter schools have outstript the church schools even in respect to number of pupils. In 1893 they enrolled 41 per cent of the pupils as against 44 per cent in the church schools; in 1903 the relations were reversed, board or council schools had run up to 49 per cent of the total enrollment, while church schools had fallen to 39 per cent. The British and Wesleyan schools are rapidly becoming a negligible factor in the problem, as they readily pass over to public control. The Roman Catholic schools on the contrary increase, but they represent a very small proportion of the total school provision and they reach a particular class of the poor in crowded centers.

The Government grant for schools, excluding grants for building and other permanent works, had reached in 1902 the princely sum of £8,000,000 (\$40,000,000). The Church of England schools derived from this source 77 per cent of their income; in the different classes of voluntary schools the proportion ranged from 72 to 80 per cent, the remainder being made up from endowments, subscriptions, and fees. In the board schools, which absorbed 44 per cent of the grant, the income from this source was only 50 per cent of their entire income. The other 50 per cent, excepting a trifling amount, was derived from the rates.

TABLE I.—*Distribution of schools and pupils at specified dates.*

Classification of schools.	1873. <sup>a</sup>			1883. <sup>b</sup>		
	Schools.	Pupils.		Schools.	Pupils.	
		Average attendance.	Per cent of total.		Enrolled.	Per cent of total.
National Society (Church of England)	8,051	1,017,688	68.64	11,703	2,134,719	49.95
Wesleyan				559	175,826	4.11
British and other schools (undenom- inational and Jewish)	1,999	305,981	20.63	1,412	337,531	7.89
Roman Catholic	524	88,828	5.99	817	226,567	5.30
Total voluntary	10,574	1,412,497	95.26	14,491	2,874,643	67.25
Board schools	520	69,983	4.74	4,049	1,398,661	32.75
Grand total	11,094	1,482,480	.....	18,540	4,273,304	.....

Classification of schools	1893. <sup>c</sup>			1903-4. <sup>d</sup>		
	Schools.	Pupils.		Schools.	Pupils.	
		Enrolled.	Per cent of total.		Enrolled.	Per cent of total.
National Society (Church of England)	11,928	2,275,609	44.15	11,817	2,350,176	39.17
Wesleyan	522	173,885	3.37	450	153,523	2.55
British and other schools (undenom- inational and Jewish)	1,290	318,444	6.17	<sup>e</sup> 752	212,325	3.54
Roman Catholic	970	273,741	5.31	1,063	337,868	5.63
Total voluntary	14,710	3,041,679	59.00	<sup>f</sup> 14,082	3,053,892	50.89
Board schools	4,972	2,111,863	41.00	<sup>g</sup> 6,145	2,946,511	49.11
Grand total	19,682	5,153,542	.....	20,227	6,000,403	.....

<sup>a</sup> Report of committee of council on education, 1873-74, Part II, pp. 2, 3.

<sup>b</sup> Report of committee of council on education, 1883-84, p. 205.

<sup>c</sup> Report of committee of council on education, 1893-94, p. 715.

<sup>d</sup> Report of board of education, statistics of public education in England and Wales, 1903-1905, p. 30.

<sup>e</sup> Includes 13 Jewish schools with 11,387 pupils.

<sup>f</sup> Now "nonprovided" schools.

<sup>g</sup> Now "provided" schools.

TABLE II.—*Income from Government grant and local sources.*

Classification of schools.	1873. <sup>a</sup>		1883. <sup>b</sup>	
	Government.	Local.	Government.	Local.
National Society (Church of England).....	£549,426	£953,229	£1,203,025	£1,563,697
Wesleyan.....			101,124	119,443
British and other schools (undenominational and Jewish).....	164,298	285,925	194,628	263,123
Roman Catholic.....	45,479	70,769	122,101	128,406
Total voluntary.....	756,203	1,309,923	1,620,878	2,074,669
Per cent of total.....	36.70	63.30	43.87	56.13
Board schools.....	12,868	84,051	771,950	1,362,284
Per cent of total.....	13.28	86.72	36.17	63.83
Grand total.....	772,071	1,393,974	2,392,828	3,436,953
Per cent of totals.....	35.65	64.35	41.05	58.95

Classification of schools.	1893. <sup>c</sup>		1902. <sup>d</sup>	
	Government.	Local.	Government.	Local.
National Society (Church of England).....	£2,371,972	£973,241	£3,409,945	£962,205
Wesleyan.....	182,985	63,554	233,628	55,857
British and other schools (undenominational and Jewish).....	343,660	158,000	394,987	153,023
Roman Catholic.....	277,610	101,822	464,163	99,385
Total voluntary.....	3,176,227	1,296,617	4,502,723	1,270,470
Per cent of total.....	71.02	28.98	78.00	22.00
Board schools.....	2,306,567	1,806,646	3,558,495	3,558,143
Per cent of total.....	56.08	43.92	50.01	49.99
Grand total.....	5,482,794	3,103,263	8,061,218	4,828,613
Per cent of totals.....	63.86	36.14	62.54	37.46

<sup>a</sup> Report of committee of council on education, Part II, Appendix, 1873-74, pp. 4, 5.<sup>b</sup> Report of committee of council on education, 1884-85, pp. 232-234.<sup>c</sup> Report of committee of council on education, 1893-94, p. 740.<sup>d</sup> Report of board of education, statistics of public elementary schools and training colleges, 1901-2, pp. 66, 67.

## THE EDUCATION BILL OF 1906.

## THE MAIN CLAUSES, WITH DISCUSSIONS IN THE HOUSE OF COMMONS AND THE PUBLIC PRESS.

In its original form, the education bill of 1906 comprized five parts; as reported from the committee and finally adopted by the House it is reduced to four, Part II relating to educational endowments having been withdrawn from want of time for its consideration. It is understood that this subject will be covered hereafter by a separate measure.

## PART I.

## ELEMENTARY SCHOOLS.

The foundation of the bill, the declaration of the national basis, is clause 1, which past the House without amendments in committee stage by a majority of 203. The clause is as follows:

On and after the first day of January, one thousand nine hundred and eight, a school shall not be recognized as a public elementary school unless it is a school provided by the local education authority.

Mr. Birrell said on presenting the measure:

It can surprise no one that by the very first clause of this bill it is proposed to be provided that on and after January 1st, 1908, a school shall not be recognized as a public elementary school unless it is a school provided by the local educational authority. That is to say, from and after the date named, no elementary school shall receive a penny of public money either from rates or taxes unless it becomes a provided school within the meaning of the education acts. Unless electoral promises and pledges are fustian and

fudge; unless they are "mere sound and fury, signifying nothing," no other clause than this was possible. It does not fall short of our pledge, it does not go beyond our pledge, it is our pledge. It carries also with it a second pledge, in relation to tests for teachers. We have been sliding down what a famous Archbishop of Canterbury once called the "slippery slope" for many a year. I believe to-day we have reached the bottom of the hill. The act of 1902 held the bill of 1906 within its arms. Many saw it there. If ever men can be said to have intended the natural consequences of their own action, the promoters and supporters of the bill of 1902 must be said to have intended the first clause of the bill of 1906. The late prime minister whose absence from the House and the reason for it I personally greatly deplore—for although a most formidable critic he is certainly always the most agreeable of auditors—the right hon. gentleman, winding up the third reading debate on the bill of 1902, made use of these significant words, having in them almost something of a prophetic strain. He said:

"I ask no man to change his opinion upon this bill. I ask no man to give up what he regards as a conscientious conviction; my demand is simply this—living as we do in a free and constitutionally governed country, that they should attempt to make the best of a measure passed by the legislature of this country, and that if that measure fails and in so far as it fails they should devote their attention to amending it. I do not ask them to approve it. I do not ask them to say that if they had been in power they would not have found some much better plan for dealing with the infinitely difficult problem, but I do ask them, I do make this demand on the patriotism and public spirit of every class, clerical and nonclerical, in this country, that when this bill becomes law they shall do their best to work it while it is unamended, and if it requires amendment that they shall use constitutional means to amend it in conformity with the declared will of the people."

That is what we are here to do to-day, using constitutional means to amend the law in conformity with the declared will of the people. In old days the voluntary schools of this country, the old British schools, with their noble maxim "schools for all," and the national schools, which were frankly Church of England schools without a conscience clause—these voluntary schools were voluntary schools in substance and in fact. No child had need to attend them and no citizen was required to subscribe to them. In 1876 attendance became compulsory, and in 1902 the denominational schools of the country were all dumped down upon the rates, subscriptions became obligatory, and were garnered by that pious churchman, the rate collector. \* \* \*

Everybody long ago, I can not but think, must have foreseen this inevitable result—there is no other way out of it—where the public money is taken complete public control must of necessity follow. In many places the abolition and destruction of this vexatious dual system will come as a great relief. The officials of several of our great educational authorities have told me that they are sick with the worry and annoyance of the costly employment of officials who have little else, indeed, sometimes nothing else, to do but to adjust the haggling accounts of the lighting, warming, and heating of these schools between the private owners and the local authority. Dual control has had a gloomy history in this country and in Ireland. We know what comes out of it. I believe that the abolition of it in this case will save an enormous amount of time, temper, and the ratepayers' money.

#### THE RELIGIOUS QUESTION.

Having thus explained the basis for the future recognition of provided schools (i. e., public schools in the American sense of the term), Mr. Birrell proceeded at once to consider the change it involves in respect to sectarian instruction, hitherto cherished as a sacred mission or an inviolable right in voluntary schools.

This first clause [said Mr. Birrell] carries with it certain definite consequences. Every voluntary school receiving rates or grants becomes at once, on so doing, a provided school within the meaning of the education acts, and consequently it will receive the same kind of religious instruction as is now being given in the provided schools of the country, subject to the famous condition that no catechism or religious formulary, distinctive of any particular denomination, shall be taught in the school, and subject always to a conscience clause. This is to be the general rule throughout the land. And on what is it based? It is based, I do honestly believe, upon the happy experience of thirty-six years, during which millions and millions of English children have received their whole school education under these conditions without question and without demur on the part of the parents or of the children attending these schools. On that experience we are content to build. It is often said that this school-board religious instruction, as it is contemptuously described—that these religious exercises and biblical instruction given in the schools—were a Nonconformist invention. It has been said by ecclesiastics of eminence, who ought to know better, that it is a Nonconformist religion. As a Nonconformist born and bred, as a man nurtured in Nonconformist history and Nonconformist traditions, as one who might almost be described



as having been born in the very library of a Nonconformist minister, I protest against that description. It is absolutely without truth and without foundation. If you want to find out for yourselves, as I wish every member of this House would find out for himself, the nature and the character of the religious instruction given in the provided schools (former board schools) by almost all—practically by all—the local education authorities, you must seek for it in the various syllabuses which have been printed and issued by these authorities. I have seen scores of such syllabuses and have had the pleasure of reading them. It has been the only part of my duty during the last few months that has done me any spiritual good. \* \* \*

They are the work of good and pious men of every creed, who have done their best, and have done it successfully, as Sir William Portal<sup>a</sup> has said, to secure harmonious relations throughout the county. I would like hon. gentlemen to put themselves this question: What substantial difference do they think exists in Hampshire between the religious teaching in the county<sup>b</sup> schools, conducted under the syllabus, and the religious instruction given in the ordinary national schools in communion with the churches? This admirable system has grown up of itself. It was in no sense a foster child of Parliament. If you read the debates of 1870 you will find that eminent parliamentarians made fun of it, and so distinguished a man as Mr. Disraeli ventured to prophesy that the result would be that all sorts of different religions would be taught in different parts of the country—a Leeds religion, a Liverpool religion, and an Exeter religion.

That has not proved to be the case. The inbred piety and good sense of the English people have prevented anything of the sort springing up. I say that it is a system which suits our Protestant population, and a child is seldom withdrawn from this religious instruction. Old teachers—men with thirty years' experience behind them—have told me that, casting their mind back over that long period, they scarcely remember a single instance of anyone withdrawing his child from it. Even unbelievers—and they are numerous in large towns—do not as a rule withdraw their children from this instruction. They probably agree with that very wise man, Samuel Taylor Coleridge, who said "that if you want to make your son a fanatic the best thing to do is to withdraw him from all sympathy with the religious feelings of the age in which he lives." That is not a wise course, and I believe, therefore, we might honestly say that this system, ridiculed as it has been, of biblical instruction is in conformity with, suits the needs of, and has secured the approval of the large majority of the Protestant population of this country.

#### ALTERNATIVE TO BIBLICAL INSTRUCTION.

Now, what is the alternative? To banish the opening prayer, to silence the familiar hymn, to exclude the Bible, save in elegant extracts—there may be logic in that, but I contend that to do so would be to act against the whole desire of the nation, and I certainly would say, let us preserve as long as we can, in a prosaic age and amongst a prosaic people, any idealism we can lay our hands on. "Where no vision is the people perisheth." Our people have been accustomed to look for such scanty glimpses as they have ever obtained of the heavenly vision in the pages of the Bible. I can see no reason to interfere with what I believe to be the national feeling. The other alternative is denominational education all round—a multiplicity of schools. I will not stop to argue that. I regard it as frankly impossible. I do not deny for a moment that during all the years this strife has been going on between Church and Dissent the onlookers, the noncombatants, have grown more and more numerous, and some of them not a little weary and disgusted. They are disposed to say, "Carry on your quarrels, if you will, on consecrated ground only, and leave us in peace and in possession of our schools and of our children." For the reasons I have given I hope no such views as these will prevail. If they do it will be because of the strange alliance between those who call themselves secularists and those able men, few in number, who regard with suspicion and dislike the simple religious exercises and biblical instruction which some people go so far as to describe as a new religion. I will not enter into any controversy with any living authorities, but I can not help referring to one great Archbishop of Canterbury who entertained a very different opinion about the value of these simple exercises and this biblical instruction. I mean the late Dr. Temple.

He was a scholar, a college tutor, a school inspector, a great headmaster. He was Bishop of Exeter, Bishop of London, and Archbishop of Canterbury. He knew this question from top to bottom, and he never hesitated to express his opinion that he attached extreme value to the instruction given in our board schools, and that he was very far from thinking that there was anything in it inconsistent with the children's receiving at other times, at other hands, and other places the full teaching of the denomination of their parents.

Starting then with complete popular control, carrying with it the appointment by the local educational authority of the teacher to whom no creed test can be applied, and with such syllabus

<sup>a</sup>Vice-chairman of the Hampshire county council.

<sup>b</sup>The provided schools are often referred to as county or council schools.

bus teaching as the local educational authority adopts subject to the conscience clause, I come now to consider the question of the necessary supply of school places. One-half of the children of the country are now in nonprovided schools—some very good, some not so good, some bad, and some very bad. Now, what is required? The use of the schoolhouse for five days a week, from nine o'clock in the morning till four in the afternoon. And for what purpose is it required? To carry on State-aided, rate-maintained, Government-inspected public elementary schools—a public institution of the very first class of material importance.<sup>a</sup>

That Mr. Birrell had rightly gaged the temper of the people in their desire for religious instruction in the schools appears from the fate of two amendments offered to Clause 1. The proposition to secularize the schools and thus avoid all further controversy over this question was lost by the enormous majority of 414 votes, swelled by accessions from every party in the House. On the other hand, Mr. Chamberlain's plan of "inside facilities" for all denominations was rejected by a purely official majority of 187.

#### THE TRANSFER OF VOLUNTARY SCHOOLS.

The status of "provided schools" having been settled by the vote upon the first clause of the bill, all interest centered in the conditions affecting the transfer of voluntary schools to the local authorities, first, as regards their property interests; secondly, as regards the continuance of their sectarian teaching by special favor.

Clause 2 provides that the terms on which the local authorities may have possession of the school buildings of transferred schools shall be settled by agreement between them and the trustees, with the approval of the board of education and subject to specified conditions.

These conditions bring the charge "of maintaining the entire fabric of the school buildings" (estimated at £250,000 a year) upon the local authorities in return for their unrestricted use during the regular school hours. The owners of the buildings, as Mr. Birrell explained, will have "sole exclusive possession of them during the whole of Saturday and Sunday, and also have the use of them in the evenings of the week days," hence, he adds, "the cost of their permanent upkeep is a very considerable gift to the owners of the schools for the expenses which otherwise they have to bear."

To meet the increased expenses incurred by the transfer, the bill provides for an additional annual grant of £1,000,000 (Clause 12 in the original bill; 13 in the bill as adopted).

During the debate on clause 2 it was repeatedly pointed out that no compulsion rested upon a local authority to take over any school. The sincerity of the government in this respect was tested by an amendment to the clause which carried what Mr. Birrell aptly termed "bilateral compulsion."

The amendment provided for appeal to the board of education in case either the local authority or the trustees should fail to carry out the provisions of the law in good faith. It was defeated by a vote of 327 to 78, "the government whips telling against it." This was the first of several votes by which the House of Commons evinced its determination not to encroach upon the province of the local authorities.

To understand the spirit in which the debate over the bill was continued, especially the clauses relating to denominational schools, it is desirable to have clearly in mind the attitude of the Conservative party, and also the disabilities against which Nonconformists have protested under the existing conditions.

#### A CONSERVATIVE VIEW—SPEECH OF MR. WYNDHAM.

The Conservative position in respect to four points emphasized by different members during the debate, namely, religious equality, the rights of parents, the rights of teachers, and property rights, is indicated by the following citations from the speech of Mr. Wyndham, who, on the second reading, moved the rejection of the bill. After a brief enumeration of the main provisions of the bill, he said:

In Part I of the bill there is a violation of the principle of religious equality. That in itself is unjust; that in itself calls for our strenuous and uncompromising opposition, unless

<sup>a</sup> Parliamentary Debates, 4th series, vol. 155, p. 1019.

and until you so amend the bill as to make it consistent with the principle of religious equality, and it bears other evils in its train. We hold that the two things for which we care depend upon the preservation of the principle of religious equality. We may be right or wrong, but in the integrity of our hearts we believe that the continuous maintenance of any form of religious instruction in our schools depends largely upon the preservation of the principle of religious equality. We believe, in the second place, that the degree—I shall develop this later—to which it is possible to uphold and give effect to the right of the parents depends largely upon preserving the principle of religious equality. You concede that right in theory in certain clauses in this bill. We claim that the right of the parent is to have his child brought up in the religion which the parent prefers, and to have his child taught by those who believe in the religious instruction. You concede that in theory. \* \* \* Well, that is denied. I should have thought that it was conceded by clauses 3 and 4. Otherwise, why were these clauses introduced into the bill at all? But I admit that the concession is of very little value, because when dealing with this right of the parent you limit the operation to nonprovided schools. Why? The parent has the right; it exists independent of the accident which has given this or that character to the school, but you fetter the exercise of this right, you imperil its continuance, and you make no reasonable provision for the future. \* \* \*

The whole of this is illogical. That is not a very grave charge to bring against a bill if it departs from logic in order to meet the exigencies of the people for whom it is brought in. If it does not; if that bill goes out in this or that direction apparently only to inflict injury upon some classes of the population, then, I think, the charge that it is illogical and irrational is one which will have to be met. We hold that so far as the State is concerned it ought to be neutral.<sup>a</sup> \* \* \*

Until the minister of education brought in this bill, for which he is responsible, the State, in my judgment, had preserved a neutral attitude toward those who, on the one hand, prefer, and we think they have a right to prefer, that religious instruction should be of a definite character and that it should be given by competent persons in school hours, and, on the other hand, those of our fellow-citizens who prefer, as they have a perfect right to do, that religious instruction should be of an undenominational character; that if they are satisfied with the bill denominational instruction should be given only by the good nature of anyone who cares to give it, and that it should be given out of school hours. I hold that the State should hold the balance equally between these two great sections. But taking the facts as they are, the schools in this country in which religious education of the first kind is given number something over 14,200. They are two-thirds of the schools of this country, and more than half the children of the country are being educated in them. Under clause 1 of the bill, with an exception which I promise to deal with as fairly as I can, the rule is that all those schools are to be transferred or converted from the kind of school which many prefer into the kind of school which others prefer. The rule is, with certain exceptions, that from all these schools the religious teaching to which millions of our countrymen attach immense importance is to be abandoned; that the teachers belonging to the various denominations who have perhaps joined the teaching profession because they cared more about these matters than about the mere curriculum of secular education are silenced. They are not to be allowed to teach. That is a great interference with the liberty of the subject, and it is resented by a great body of the teachers. Moreover, owing to the operation of the third part of the bill, some of these teachers may find that their occupation is gone.<sup>b</sup> \* \* \*

We did not attack the undenominational schools; but we did believe, and we do believe, that the existence side by side with undenominational religious instruction of definite religious instruction was a stimulus which kept up the standard of religious instruction in board schools, which are now the provided schools. We believe that if you crush out definite religious instruction you imperil the maintenance of any form of religious instruction as part and parcel of the education of the English child.<sup>c</sup> \* \* \*

Let me now turn to the method of transfer. By clause 2 the transfer is to be carried out by arrangement (which is a new word in legislation) between the owners or trustees of the schools and the local bodies in cases where the local body desires to do so, and in cases where it does not desire to do so these schools may cease to be public elementary schools, and the local body may rate all those who have subscribed these large sums of money in order to build two or three schools to compete with the original schools, withdrawing from them all rate aid and aid from the exchequer. That is a monstrous proposition. You invite two persons to make a bargain, and you give to one of the parties to the arrangement the power of ruining the other unless he accepts the terms. The local authority says to the trustees of the unprovided schools, "If you do not accept my terms I shall withdraw all public aid from your schools and build two others and rate you for them. Now, what will you take?" But if even with this wonderful lever which the Government has placed in the hands of the local authority they do not succeed in making

<sup>a</sup> Parliamentary Debates, 4th series, vol. 156, pp. 1015 1016, 1017. <sup>b</sup> Ibid., pp. 1017-1018. <sup>c</sup> Ibid. pp. 1020-1021,

an arrangement, then this anonymous, this novel body, is brought into being; this commission of three, with powers utterly unknown, is placed above all law. And what a long time the Government is going to give owners and trustees to make this arrangement.<sup>a</sup> \* \* \*

There are 14,200 voluntary schools, nearly all of them under trusts. Do you suppose, in default of arrangement before January 1st, 1907, that in twenty or thirty years your commission, unless you give them all the powers of Oliver Cromwell's military generals, will be able to extract that property from people whom you compel to defend it?

I come to the first exemption from the iron rule—clause 3, the ordinary facilities. If the local authority allows it, if the commission awards it, only in the nonprovided schools religious instruction may be given upon two mornings in the week. The teachers are prohibited by the State from giving it, and the pupils are told by statute that they need not attend. Why, it is a mockery. I will not waste time upon that. Coming to clause 4, the extraordinary facilities, which are confined to urban districts and to boroughs, there, if the local authority allows it and the inquiry demonstrates that four-fifths of the parents wish it, the school is to remain more or less a denominational school. I say there is no liberty in any of these exemptions.<sup>b</sup> \* \* \*

You are forcing the country into a period of religious war, and we think that no solution can be arrived at which does not recognize the right of the parent to choose the religious education which is to be given to the child. If you do not do that you at once set up an unfair distinction between the opportunities of the rich and the opportunities of the poor in this country. The rich man sends his son to Eton, and his child hears the services of the Church of England, to which he may be attached by many associations every day of his life. Why, if a poor man wishes that, is he not to have it? <sup>c</sup> \* \* \*

We may have to endure the persecution of this bill, but we will battle against it at every stage, and if the bill is passed, then throughout this Parliament and in every succeeding Parliament, until some recognition is given of "the natural and inalienable right" of every parent to see that his child receives from the State the religious teaching which his parents claim for it.<sup>d</sup> \* \* \*

#### DOCTOR MACNAMARA IN REPLY TO MR. WYNNDHAM.

Doctor Macnamara, replying to Mr. Wyndham, declared that the State departed from its policy of neutrality in educational matters in 1902.

I venture [he said] to give three small points in proof of my contention, and in justification of my interruption. The first of these points is that the act of 1902—the act of the leader of the opposition—put the denominational schools upon the rates of the locality, of which I do not complain, and which I think was a right thing to do, and which I think was a great reform; but it avoided the direct consequence of popular control, which is that the moment you place public education on public funds you must follow that up by giving full public control. \* \* \* It gave a nonprovided school six managers, of whom the public had two and the trustees four.<sup>e</sup> \* \* \*

Again, at the present moment there are over 30,000 head teacherships in this country which are salaried out of public funds. As to 18,000 of those head teacherships, no non-conformist can, under any circumstances, apply for the post of head teacher, and in 16,220 nobody can get the position who is not a member of the Church of England. That, again, I think, is a fantastic notion of neutrality. In the third place, to go no further, although I could multiply these illustrations, there are 7,987 places open to King's scholars in the residential training colleges; but in 4,309 of those places, no matter how successful the King's scholar had been, he would not be admitted unless he changed his religion and became a member of the Church of England.<sup>f</sup> \* \* \*

The right hon. gentleman, the member for Dover, has said that the denominational buildings, which it is alleged are to be confiscated under the bill, are worth £32,000,000, and that the money has been subscribed because of religious zeal. \* \* \*

It is of course notorious that much of this money has been contributed for other reasons—to keep out the higher charge of a school board.<sup>g</sup> \* \* \*

Let me, with great respect, offer a word of warning to the extreme denominationalists who talk about confiscation. I would recommend them to agree with their adversary quickly, while he is in the way with them. I certainly think the local authority, if there is much haggling, will say: "Go away. We decline to treat with you. We will build our own schools. We will spread the cost over sixty years. The financial burden will be immediately less, and in the long run we will have a building of our own, and all the time we shall have complete control of it."

The other main attack on the bill rages around the eternal religious question. It seems to me there are three courses open to the Government in dealing with this question. They

<sup>a</sup> Parliamentary Debates, 4th series, vol. 156, pp. 1021-1022. <sup>b</sup> Ibid., pp. 1022-1023. <sup>c</sup> Ibid., p. 1025.

<sup>d</sup> Ibid., p. 1027.

<sup>e</sup> Ibid., pp. 1086-1087.

<sup>f</sup> Ibid., p. 1087.

<sup>g</sup> Ibid., p. 1089.

might have said they would dispense denominational teaching all round as part of a State system. I think that is hopelessly impracticable. \* \* \*

The second proposal is that \* \* \* "we will confine the instruction to purely secular teaching." I admit that that is absolutely logical and fair to the body at large, but it is hopelessly out of touch with the national sentiment. \* \* \* It will commit tens of thousands of the children of our cities to a youth untouched by Christian truths. The secular party may emerge well from this controversy, because it is already a powerful party, and very likely will be reinforced by the man in the street who, sick and tired of theological bickering, will adopt it as a policy of despair. \* \* \* Personally, however, I should oppose that proposal. Then, having dismissed denominationalism as impracticable, having dismissed a system of secular schools as being out of touch with national sentiment, there remains only the system of the State's giving simple Biblical teaching, leaving to outside teachers the task of adding a denominational superstructure. That is the scheme of this bill. Religious teaching need not be given unless the local authority desire it. It is not a very new feature, for it is the fundamental provision of the Cowper-Temple system as laid down in 1870. Then there is a clause under which no child need attend religious instruction unless its parents desire. That is the by-law of the late Government issued through the board of education. \* \* \*

For the first time in the history of this country, under this bill no teacher will be compelled to give religious instruction unless he likes, and that will take away many of those unfortunate aspects of the religious controversy which have been referred to. Clause 7 [in the bill as adopted clause 8], subsection 2, is a real charter of liberty to the teacher. <sup>a</sup>

#### MR. BALFOUR ON THE BILL.

In his speech already cited (p. 15) Mr. Birrell referred to the bill of 1902 as the immediate cause of the measure offered by himself. The relation between the two was emphasized also again and again by Mr. Balfour, whose perfect appreciation of the conditions to be met gave special point to his running commentary on the successive clauses of the bill as viewed from the opposition standpoint.

The following extracts from a speech by Mr. Balfour on the second reading of the bill show his position with respect to its treatment of the religious difficulties. Replying to an "attack" upon the act of 1902 by the president of the board of trade (Mr. Lloyd-George), Mr. Balfour said:

I do not quarrel with his dealing with the act of 1902, because I believe this question can only be understood if it is dealt with historically. I do not agree with his criticism, as I shall show in a moment, but I think he was justified in dealing with that act. \* \* \* I have said you ought to approach this question historically, and so you ought. The member for the Louth division of Lincolnshire, if he will forgive me for saying it, had the amazing courage to describe the bill now before us as a moderate and reasonable measure, very unlike the bill of 1902. Well, sir, let hon. gentlemen reflect upon the position we were in in 1902. In 1902 the education system of this country was a by-word to every educationally advanced nation of the world. \* \* \* There is such a thing as secular education, and our system of secular education was a by-word amongst every advanced country in the world. It had to be dealt with in a broad and comprehensive spirit. Secular education was dealt with in a broad and comprehensive spirit, and on the foundation then laid you, the majority, are going to build up anything you can do, if you can do anything, to improve the existing educational system of the country. You have not attempted, you do not mean to attempt, to alter it; you are wise not to attempt to alter it. It remains the broad basis upon which secular education for our children and, I believe, for our grandchildren is going to be framed. Now, sir, we could not deal with the great secular needs of this country without touching the question of the voluntary schools, which educated more than half the children of this country, and we could not touch the question of the voluntary schools without touching the question of religion. \* \* \*

We found an act in operation dealing with the voluntary schools and the board schools, an act passed by a great Liberal administration. \* \* \* Both the Cowper-Temple clause and the voluntary schools had to be left. To abolish the voluntary schools and leave the Cowper-Temple clause would have been the grossest injustice to one great body of opinion in the state; to abolish the Cowper-Temple clause and leave the voluntary schools would have been an outrage on another great body of opinion in the state. Illogical though they are admitted to be, both had to be left. That being the case, could we have dealt with the question better than we did? \* \* \* Under Mr. Gladstone's act we found innumerable cases in which schools were under the control of one clerical manager; we cured that.

<sup>a</sup> Parliamentary Debates, 4th series, vol. 156, pp. 1090, 1091, 1092.

\* \* \* We found that, so far as local control was concerned, there was no representative element in the voluntary schools as regards secular education; we made the control of secular education complete from top to bottom in every school throughout the country. We found there was no machinery in existence for adequately training for the teaching profession men who did not belong to the Church of England; we provided machinery by which this teaching for men not belonging to the Church of England could be provided. We found a large number of parishes in which it might seem to the local authority that the education ought not to be left to the voluntary schools; we gave them power under certain, not harsh or stringent, limitations to build another school side by side. In every one of these great particulars—not details, but vital elements of our education system—we found a method established by a Liberal Government and we corrected it. \* \* \*

Now, that is the system, with its admitted imperfections, of the Cowper-Temple clause on the one side and the single-school area on the other, with which you have got to deal. How have you set about it? I understand from the chancellor of the exchequer and other speakers that you have been driven to put before us this strange legislative effort by what you call "the mandate of the general election." \* \* \*

What are these two mandates? They are that you are to establish popular control and to abolish tests for teachers. Is either of these understood in the same sense, or in any sense, by the authority? Take popular control. There is popular control now, under the act of 1902, so far as secular education is concerned. Therefore the mandate must have referred only to religious education. Does this bill establish complete popular control as regards religious education? The education minister has told us that, in his opinion, it is an obligation—a moral though not a statutory obligation—upon the local authority to select for particular schools teachers of a particular creed. Does that mean there is complete local control over these schools in religious matters? I should have thought when you were giving mandatory instructions to the local authority that it was to select teachers of a particular religious complexion you must abandon the claim that you have established complete popular control in religious matters, and if you have ever received the mandate you claim to have received you stand convicted of disobeying it at this moment. \* \* \*

Will anybody pretend that after this bill is passed there will be either in the provided schools or in the denominational schools under clause 3, or the specially privileged schools under clause 4, either better education, a better system of religious education, or the prospect of a better system of religious education? \* \* \* It is going, for example, to take religion out of the compulsory school hours. Would you encourage arithmetic by taking it out of compulsory school hours? Or geography? Or any subject of secular learning? Do you think you are going to aid religious teaching \* \* \* by taking it out of the compulsory hours? \* \* \* Do you think you are going to improve it by preventing the experienced teachers in voluntary schools, anxious and ready to take their place on the two days a week you are going to allow in voluntary schools, to teach the form of religion for which subscribers gave their money? Do you think you improve the teaching of religion by saying to teachers not willing to give it \* \* \* you shall give it? \* \* \*

I assume, as surely I am justified in assuming, that for your million of money you are not going to get better religious teaching. There is only one thing you could get, and that is religious peace. Are you going to buy religious peace with this million of money? \* \* \* There are gentlemen who seem to think that while the Jews have a case against school board teaching, while Roman Catholics have a case against it, the Church of England are to allow the Cowper-Temple clause to remain untouched in their schools and to see with equanimity this diversion of the funds which they have given to the cause of religious as well as of secular education. \* \* \* I doubt whether it is worth while for the Government to go into committee with the view of modifying their bill to an extent which alone would make possible a satisfactory solution of this question. It would be a happier and wiser course if they were to withdraw it altogether and recast it, to adopt new principles. If they think that inconsistent either with sound policy or with their dignity, I can only say that, either in this House or in the country, they are predestined to find arrayed against them forces, both within their own ranks and outside their own ranks, which will compel them to make this measure dealing with religious education something distantly approaching an impartial settlement of the question.<sup>a</sup>

The position thus assumed by Mr. Balfour in the early days of the discussion of this measure was maintained by him to the end.

#### FACILITIES FOR DENOMINATIONAL INSTRUCTION IN TRANSFERRED SCHOOLS.

In his speech submitting the bill, Mr. Birrell dwelt upon the fact that it afforded facilities for special denominational teaching in any of the hitherto "nonprovided" schools that may choose to come to terms with the local educational authority.

<sup>a</sup> Parliamentary Debates, 4th series, vol. 156, pp. 1591-1602.



The facilities are of two kinds, ordinary and extended, the former comprised in clause 3, the latter in clause 4. The two clauses should be examined in connection also with clauses 5, 6, 7, 8, and 9.<sup>a</sup>

The terms upon which the ordinary facilities may be allowed are as follows: (1) In transferred nonprovided schools only; (2) when stipulated for by the owners as far as their bargain with the local educational authority stipulates; (3) when demanded by parents of children actually attending; (4) on not more than two mornings a week; (5) at the expense of the denomination demanding them; (6) not during the hours of compulsory attendance; (7) nor given by the teachers of the ordinary staff.

The ordinary facilities, as explained in the discussion, were especially intended to meet the case of Church of England schools, which are chiefly rural parochial schools and which in about 8,000 parishes are the only schools.

The discussion of this clause (3) was involved with that of clause 6 (original bill; clause 7 as adopted), characterized by Mr. Birrell as a "perfected conscience clause."<sup>b</sup> The latter clause was assailed on every side as destructive of good school discipline and sure to be abused by worthless parents; great excitement was also caused by the suggestion that the "two mornings a week" privilege (clause 3) might be perverted by an arrangement which would permit the parish clergyman to come into the school every morning to give different sets of children their due share of denominational teaching.

The Government, however, stood firm to its text. Clause 3 went thru committee without amendment as did eventually the conscience clause 6 (adopted bill 7), the latter, however, with the small majority of 47. To local authorities was left the responsibility of safeguarding the school discipline and fulfilling their own agreements.

The conscience clause of the law of 1870, which a large minority of members of the House of Commons sought to retain, merely allowed the children whose parents so desired to withdraw from the denominational teaching. The present clause for the first time in the history of English education allows the parent "to absent his child altogether from attendance at school until after religious lesson has been taken." In other words, it places the religious instruction outside the recognized school hours and thus in the opinion of many has a leaning toward secular schools.

#### EXTENDED FACILITIES FOR DENOMINATIONAL INSTRUCTION IN TRANSFERRED SCHOOLS.

The storm center of the debate over the bill was clause 4, providing extended facilities for denominational instruction in transferred schools. By this clause power was given to the local educational authority in an urban area (i. e., area having a population above 5,000) to arrange that a transferred school shall maintain denominational teaching as formerly under two conditions: (1) That the parents of at least four-fifths of the children desire these facilities; (2) that there be public school accommodation in schools not affected by the permission for the remaining children.

The effect of these conditions, which were made with special reference to schools maintained by Jews and by the Roman Catholic Church, though not to the exclusion of the Church of England schools, will be best understood from the views of representative men as set forth in the House of Commons or elsewhere.

During the discussion of clause 4 in the House, Mr. John Redmond, on the part of the Nationalists or Irish party, declared that:

The course the discussion had taken and the development of the new Government proposals had caused him and his colleagues most acute pain and misgiving. They had arrived at what was for them the kernel of the whole situation. Clause 4 was to be their charter. It depended on clause 4 whether this bill was to be tolerable for the Catholic schools and whether the religious convictions of the parents who sent their children to these schools would be safe-guarded, or whether, on the other hand, that clause was to be regarded by them as an instrument of injustice and of religious tyranny in the hands of a dominant majority. Personally he had from the first been filled with the belief and hope

<sup>a</sup> See text of bill, pp. 32-34.

<sup>b</sup> See text of bill, p. 33.

that clause 4 would be so altered as to fulfil the object for which it had been introduced. Notwithstanding all that had happened, he did not yet abandon the hope which he had entertained because of the necessities of the case. \* \* \* All that was necessary to make the fourth clause acceptable to them was that it should be made obligatory on the local authorities, so that there should be no loophole for evasion by any pig-headed bodies. They asked in addition that the voice of the parents should be heard in the selection of the teachers, and they asked for a qualification in the limits of 5,000 and four-fifths, which would enable the bulk of the Roman Catholic schools to come in under the provisions of the act. It had been said that the bulk of the Roman Catholic schools would come in under clause 4. There were 1,040 such schools and 501 would be excluded from all benefit under that clause by the double operation of the 5,000 limit and the four-fifths. \* \* \*

All that he and his friends wanted was this. They wanted, on the one hand, that there should be sufficient provision for these schools to enable them to be efficient, and, on the other hand, they wanted a provision which would enable them to have religious teaching in their schools as satisfactory to them as the Protestant religious teaching was to the children of the Protestant schools. \* \* \* With regard to contracting out, one of the great cries of the Nonconformists in this controversy, in the country at any rate, had been the objection, the natural objection, which they entertained to pay money for the teaching of a religion with which they did not agree. \* \* \* Now the Government were proposing to revive that system and to say to these poor Catholic schools, "You must maintain your own schools, you must pay for your own Catholic teaching, and in addition to that you must pay rates for the teaching of Protestantism in Protestant schools." \* \* \* He did not believe that such a scheme would ever pass into law, and if it did pass into law it would be the opening of a new chapter of sectarian hatred and differences in England.<sup>a</sup>

Mr. Chamberlain defined his position in a speech on the "facilities," the substance of which as presented in the Parliamentary Debates is as follows:

For himself, he said, speaking as a Unitarian, he did not attach the great importance that many of his friends did to denominational teaching. With the experience he had of the working classes of this country, he thought the bulk of those classes were not so greatly interested as many people imagined in the sectarian side of the question. That was not a new statement on his part. There was one thing on which they could safely appeal to the democracy, and that was the principle of eternal justice.

He opposed the bill because he thought it unjust and no part more so than the particular limitation of the four-fifths which had been ingeniously introduced in order to include as many as possible of the Catholic schools and exclude as many as possible of the Anglican schools. He was sure that the men in the street, who, after all, dictated the policy of the country, would not support such an injustice. They would say that there must be some intention quite different from that which was avowed on the face of their proceedings. He predicted that sooner or later the Government would have to go back to the people, who they said had given them their mandate. Whatever might be the result of a general election it would not be believed result in anything like a unanimous approval of a policy which, on the face of it, was unjust, unreasonable, unfair, and could not be defended.<sup>b</sup>

The extended facilities excited even more opposition on the part of Liberal members, who based their criticism on the statement of Mr. Birrell himself, that it was "an obvious exception to the whole scheme of the bill as laid down in the first and most important clause."

In view of the opposition to clause 4 on the ground that it extended to Roman Catholics privileges which were denied to the Established Church, the Right Hon. Sir Campbell-Bannerman, the premier under whose direction the bill has been managed, explained briefly the reason for such discrimination.

Our idea [he said] was that in the ordinary schools there should be taught religion in the form of common elements of Christianity. In the simplicity of my heart I thought that at least in the Church of England that would not have been obnoxious. The common elements of Christianity with, no doubt, a flavor of Protestantism in them—is that really distasteful to the Church of England as by law established? To my amazement a prelate of that church says that Bible teaching is dangerous unless it is accompanied by his standards. His standards! Why, his standards are based upon the Bible and not the Bible on his standards. Still, we provided in our bill for two days' teaching of special doctrines in order to meet the special desires and requirements of the Church. But the Catholics are in a different position. They have never failed to put forward as their ideal the full control of the school from the religious point of view. Therefore it seemed to us that an exception must be attempted which might include the Catholics and also any members or ministers

<sup>a</sup> Parliamentary Debates, 4th series, vol. 159, pp. 811, 812, 817, 818.

<sup>b</sup> Ibid., pp. 1003-1006.

or authorities of the Established Church who are more Catholic than anything else, for if that is the conception of a school our general scheme did not meet it. Accordingly, we introduced clause 4, and what the committee have been discussing for the last two days is not the principle of the clause, but the mere machinery by which that principle is to be carried out. On the part of the Government I have to say that the principle and intention of the clause is as I have described it, and to that we are firmly wedded and do not intend to depart in any degree from it; and when I turn to the machinery of the clause, I can only say that it has been the subject of the closest and most careful consideration, and that as it stands we believe it avoids more difficulties and accomplishes more advantages than any other machinery which could be invented for the purpose. We have the appeal, the mandamus, as the ultimate authority, the nonpayment of rent. We have what is called contracting out and the ballot in order to secure that the opinion expressed by the parents of the children is genuine.<sup>a</sup>

The protests of the Liberals in the House against the bill were emphasized by a deputation to Mr. Birrell from the National Council of Evangelical Free Churches, representing above a thousand provincial associations, in whose name they urged the absolute withdrawal of the clause. Doctor Clifford at this hearing expressed the fear that "the Government were not fully aware of the gravity with which the matter was received by Nonconformist Liberals and thousands of other supporters of the ministry in all parts of the country." He added that, "if clause 4 was allowed to remain in the bill the Government could not rely upon the continued support of the large Nonconformist section of the Liberal party. He was convinced that that was the view of many thousands of them in all parts of the Kingdom."

The suggestion made by Mr. Chamberlain, that the extended facilities were a matter of necessity, is implied also in the following extract from a letter by Mr. Lloyd-George, president of the board of trade, regretting his inability to attend a conference to be held at Bangor, Wales, June 20, to consider the bill, especially in view of the opposition to clause 4:

I am well aware that clause 4 is repugnant to the vast majority of Nonconformists in this country, and I confess it is an encroachment on the symmetry of the national system which the bill is designed to set up, and nothing is to be gained by wild perversions of the purport of that clause. For instance, I observe that letters have been written to the conference stating that the clause is the worst endowment of sectarianism in the schools of this land that has ever been perpetrated by any government. A statement of that character carries with it its own refutation.

Before the conference condemns this bill I should like them to bear in mind one or two facts: (1) that the bill enables the local authorities of England and Wales to give a moral instruction to the children which will be based on the Bible; (2) that such teaching is in itself an adoption of a Protestant attitude towards the Bible; (3) that it is, consequently, if not an offence to the conscience of Catholics, at least antagonistic to the whole theory of Roman Catholicism. From the moment, therefore, that it was decided to give the local education authorities power to give religious instruction in the schools, it seemed an inevitable corollary that you should afford extended facilities to the Roman Catholic parents of the Kingdom in the schools to which they send their children. It may be said that a purely secular system would have avoided the necessity for this. I agree. It certainly would, but the Government, if it had attempted to force secularism through Parliament, would have been hopelessly beaten even in the House of Commons. It is no use, therefore, talking about purely conjectural systems, which would have no chance of becoming law under present conditions. We have got to accept the fact that the overwhelming majority of the people in this country insist upon having some Christian teaching given to their children in the schools of the country. For myself, I think they are right, but I do not wish to argue the point; it is at the present moment outside the region of argument; we have got to deal with it as an irrefragable fact.

I believe that under the circumstances the Government have done their very best to meet this most complicated situation, and I am convinced that the best thing in the interests of Liberalism is that all those who desire to see a settlement of this troubled question should help them to get through the bill as it is. It will accomplish great things. Let those who doubt it imagine for a moment what will happen in their own particular county when the bill is through. In all the parishes where the village school is now under the management and control of one sect, all those children whose parents do not belong to the communion of that sect are rigidly excluded from teacherships. Immediately this bill is passed the school passes under the control of the people who maintain it, and all the boys

and girls in that particular school will be treated on terms of perfect equality, without distinction of faith or creed. Surely it is worth accomplishing, but it can only be done by united effort, for there are great obstacles yet to overcome, obstacles we dare not confront if there are divisions among ourselves.<sup>a</sup>

As a result of the deliberations in committee, clause 4 was modified by a series of Government amendments intended to safeguard its application. These amendments provide with respect to the extended facilities: (1) That the wishes of parents shall be ascertained by ballot; (2) that a child to be counted among the required "four-fifths" must have been in attendance upon the school in question for at least six months; and (3) that the use of school buildings in cases where the extended facilities are adopted must be allowed to the local authorities without rent.

Although the effort to make clause 4 mandatory<sup>b</sup> upon the local authorities failed, it led to the most noteworthy departure from the general tenor of the bill. An amendment to clause 4 (eventually incorporated in clause 5) authorizes an arrangement briefly termed "contracting out." Under this provision the central authority (board of education) may agree with the managers of a denominational school that it shall "go back and live on Government grants and voluntary subscriptions only."

In summing up the exciting contest over the clause and the conditions which it establishes, the School Government Chronicle says:

Political discipline in the House of Commons has proved easily equal to the strain put upon it by clauses 4 and 5 of the education bill. That is not to deny the severity of the strain, but only to assert the greater power of the discipline. \* \* \* We have to take the measure of clauses 4 and 5 as they now stand, and to realize their effect upon the general scheme. By the addition of "contracting out" as an alternative to denominational status within the local authority's system, clause 4 [subsequently 5] must be recognized as establishing a triple in place of a dual system. And to this system clause 5 admits conditions of indefinite extension. Little time was afforded to the majority of people interested, whether in or out of Parliament, to exchange views on the contracting-out amendment before it came forward, with the rest, for discussion. But time enough, perhaps, for it was clear that the longer this alternative was studied the less it was liked by the great majority of those who, nevertheless, voted it into the bill. To a greater or less extent we shall have the voluntary school system reestablished on the footing of 1870 to 1902; that is to say, grant aided and independent of the local education authority. And within the administration of the local education authority will be two other kinds of schools—undenominational and denominational. The fact itself of this new tripartite classification of the public elementary schools is of prime importance. The contraction or extension of its importance in the practical work of future years will depend chiefly upon the local education authorities.<sup>c</sup>

The Schoolmaster (edited by Doctor Macnamara), which from first to last has opposed the concession of "extended facilities," explains the influences that are working to restore certified, private, state-aided schools, as follows:

It is, of course, extremely easy to see how "contracting out" has been brought about. The extreme wing of nonconformity wants the denominational schools outside, so that they may be slowly extinguished as a result of the pressure of Whitehall demands. The extreme denominationalist wants them outside, because it puts them and the teachers again into the hollow of his hand. \* \* \* Finally, there is the ratepayer. He will be the most potent influence in this nefarious scheme. He has hated the act of 1902, not so much on account of any religious disability it imposed upon him, as because of the fact that it imposed upon him—in a great many areas for the first time—burdens of rating. It will be his persistent purpose to make the conditions of clause 4 so onerous that, with this "contracting out" as an alternative, denominationalists asking for "extended facilities" will have, in a great many cases, no alternative but to stand outside; and he will do this because he knows that every school which he can compel to "contract out" by one device or another means *pro tanto* in lightening the burdens of rating.

<sup>a</sup> The School Guardian, June 23, 1906.

<sup>b</sup> In this connection the decision of the High Court of Appeal in the case brought before it by the West Riding County council is important. According to this decision no local authority "is required to pay the whole salary of any teacher who gives religious instruction in a voluntary school." The decision also "opens the question whether the legal power to do so does not disappear with the legal obligation." (School Government Chronicle, Aug. 11, 1906, p. 120, on the case of *Rex v. West Riding County*.)

<sup>c</sup> School Government Chronicle, June 30, 1906, p. 577.

However, the Government has been heartily bombarded during the week upon this proposal, and in reply on Tuesday to the attack by Doctor Macnamara on Monday, Mr. Birrell went so far as to make the following statement:

"All he could say was that the bias of the board of education—whoever was in the position of its president or permanent secretary—would always be against resorting to allowing a school to stand out in any form or shape if they could by any possibility avoid it. The board of education would always regard with intense dislike and ill-concealed hatred anything which would remove from the national system—from the national obligation of support, both in form of parliamentary grants and rates, any school in the country where children received their education."

This is all very well. But if it means anything at all it means that "contracting out" ought never to have been put into the bill. Still the matter will come up again on report stage, and we very much hope that the friends of education of all parties and creeds in the meantime will put such pressure upon their parliamentary representatives as to induce the Government to see the unwisdom of retaining in any form a proposal which is fraught with the gravest danger to all save the very richest of the denominational schools of the country."<sup>a</sup>

It is interesting to note in this connection that the "contracting-out" scheme accords with a suggestion made by Dr. Michael Sadler in a letter to the *London Times* and elaborated in an article in the *Independent Review*. In the latter Doctor Sadler says:

The vested interests of existing voluntary schools, safeguarded by the act of 1870 and attenuated by that of 1902, are swept away. The local authority will be master in its own house. \* \* \* It deserves consideration, therefore, whether such certified efficient schools should not be permitted to earn their share of the parliamentary grant. They will exist in any case, for they represent tenacious conviction. This being so, it is expedient that the State should help them to keep up with the rising standard of secular efficiency, rather than leave them in poverty and, therefore, liable to sink below the normal standard of staffing and equipment. Their admission to a share in the parliamentary grant would remove what would otherwise be felt as an injustice. It would open a way for the continuance of denominational schools, as a minority, without embarrassing the administration of the local authority. It would relieve the latter from many difficult questions relating to existing endowments. It would throw upon the supporters of the schools in question the duty of paying the whole cost over and above what we received from the parliamentary grant—a duty which would test the sincerity of their conviction. And the efficient maintenance of the two sets of schools side by side—not linked, as hitherto, in a dual system which embarrasses the action of the local authorities, but enjoying non-conflicting recognition—would ensure a fruitful variety of influence in English education.<sup>b</sup>

#### THE STATUS OF TEACHERS.

Incidental to the general policy of the bill as set forth in the clauses above considered are the explicit provisions freeing teachers from religious tests, and safeguarding their tenure (clause 8) and the provisions respecting the school buildings held under charitable trusts (clause 9). Section 4 of the former clause brings to light a peculiar hardship to which teachers in an existing voluntary school may be subject by reason of the school ceasing to be a public elementary school under the new conditions. The mere continuance of the teacher on the pension list for a year as provided for in the section was so unsparingly condemned that provision was ultimately made for a money compensation to the injured teacher. (Part IV, Supplemental, Clause 27.)

#### THE NEW COMMISSION.

Clause 9 introduces a new authority, a Royal Commission whose power is absolute in the cases for which it is created, namely, in any case of appeal on the part of a local authority for action relative to the schoolhouse of an existing voluntary school held under charitable trusts. Objections to this commission were somewhat modified by the fact of its limited duration and still more by the high character of the three men specifically named for its duties. (Clause 10.)

<sup>a</sup> Schoolmaster, June 30, 1906, p. 1350.

<sup>b</sup> The future of denominational schools, *The Independent Review*, June 1906, pp. 261-262.

## PART II.

## LOCAL ADMINISTRATION OF SCHOOLS UNDER THE BILL OF 1906.

The consideration of the education bill of 1906 up to this point has been limited to the clauses of Part I which pertain to the national basis of the school system and the future of denominational schools. Part II (originally Part III) of the bill deals mainly with the question of local administration. The chief purpose of the provisions in this respect is summed up in two words, the keynotes to their discussion, viz, "devolution" and "delegation." The words indicate the means by which the new measure aims to correct the evils of excessively large areas of administration resulting from the universal county system. By the provisions of clause 15 of the present bill the county and borough councils remain nominally the paramount education authorities for their respective areas as they were constituted by the law of 1902; but it is provided that within two years after the passage of the proposed law every council shall prepare a scheme for the purpose of delegating some of their powers and duties with respect to education to representatives of minor areas. The initiative in this respect is left to the councils, but the requirement is mandatory. All parties were agreed as to the necessity of this provision, but, as Mr. Balfour pointed out, "underlying the general agreement as to the value of delegation, there was the widest divergence of opinion as to details."

As a result of the discussion in committee, this section of the bill was greatly modified, but in its final form it preserves the points which Mr. Birrell noted as of chief importance, namely, "delegation to bodies as varied as possible" according to local conditions, the preservation of "the elective element," the exemption of small counties from obligations under clause 15, and large place for the service of women.

"Nothing personally," he said, "gave him more sorrow than the exclusion of women from the administration of the educational work of the country, for they were by common consent among the best members of the old school boards. It was a work for which they were eminently fitted, considering the number of female children in our schools, and the whole character and abilities of women lent themselves to educational zeal. Though they could not be elected upon local councils, he hoped there would be no objection if the Government proposal enabled women to play a more useful, responsible part in a great work from which they ought never to have been excluded."

The minor authorities provided for by clause 15 will not, however, have the force of bodies elected directly by the people for the control of their schools. In the larger cities the demand for a return to the *ad hoc* system, as it is popularly termed, continues. Even in the report stage of the bill a clause was moved for the establishment of an "education board for London," and although it was withdrawn, Mr. Birrell himself took occasion to express his belief that sooner or later the necessity for some measure of this kind would be recognized. Lord Stanley, of Alderley, for many years identified with the London school board, in a critical examination of the present bill, says:

Personally, I regret that the legislation of 1902-3, which put on the heavily weighted municipal and county authorities the additional task of education, has not been set aside. I do not say that it was politic at this moment to reopen that controversy, but I believe that before many years have passed we shall have to return to elective bodies chosen to administer education, and that alone.<sup>b</sup>

Peculiar interest attaches to Lord Stanley's discussion of the entire measure, since its fate in the House of Lords may be largely determined by his influence.

Aside from the main purpose of creating smaller areas of school administration, Part II is of interest as showing great advance in respect to national solicitude for the welfare of children. When the law of 1870 was passed the Lowe Code (regulations for elementary schools) was in force. It authorized a very limited course in the elementary branches and the allotment of the Government grant on the results of the examination of the individual

<sup>a</sup> From the Times (London), Thursday, July 12, 1906.

<sup>b</sup> The new education bill. The Contemporary Review, May 1906, p. 609.

children. The bill of 1906 provides for vacation schools and play centers, after the example of our own country; the medical inspection of schools; and for scholarships available for children in elementary schools above the age of 12 years (clause 24, secs. *a*, *b*, *c*).

The two clauses, 15 and 24, which in the opinion of Mr. Asquith, chancellor of the exchequer, "are worth all the rest of the bill," carry this measure far beyond the limits of political or sectarian controversy into the higher realm of educational ideals. Taken in connection with clause 18, which removes the two-penny limit of rate (local tax) for "higher" (secondary and technical) education, they justify the opinion expressed by Doctor Sadler in discussing the bill. "It is true," he says, "that, in some of the issues, religious controversy and denominational rivalry are both involved; but neither of these causes is strong enough to account for what has happened. For the real explanation we have to look elsewhere, and I believe we shall find it in the stir of a new conviction among the masses of the people that in a kind of education, very different in range and quality from that which has passed muster hitherto in our public elementary schools, lies their children's best chance. The conviction is still, for the most part, inarticulate. It vaguely demands reform, without a very clear idea, in point of detail, of what it wants to get; and multitudes of those who have most to gain from great changes in educational opportunity are still indifferent to the need. But the conviction spreads. The fire is alight. The old situation is completely changed. What sufficed five years ago will suffice no longer. For what can be accomplished by skilfully directed education, the English people has in its heart at last begun to care."<sup>a</sup>

This opinion is emphasized by the strong support given to the clauses above considered by the vote of the labor party in the House of Commons.

### PART III.

#### THE COUNCIL FOR WALES.

The greatest surprise of the bill was Part III, clause 26 (originally Part IV, 37), which would give Wales independent control of its educational system.

In committee an amendment was moved by Mr. F. E. Smith (Liverpool) to substitute for the proposed "central education authority for Wales, to be called the Council for Wales," a "consultative education committee under the board of education, to be called the 'Welsh central committee.'" In the course of his remarks the member expressed doubts as to there being any "real unanimity among all denominations in Wales" with respect to the principle of the proposal. In support of this position he referred particularly to the conference at Cardiff, at which it was presumed the clause originated.

In response, Mr. Lloyd-George, to whose leadership Wales is indebted for the success of the provision, said:

He did not complain generally of the statement made by the hon. member, but he pointed out that at the first conference, representative of all creeds, this clause was not in existence. The bill had not been produced, and therefore he could not have said that the Cardiff conference was in favor of a council for Wales. \* \* \* It would be too much to ask that there should be absolute unanimity in any country on any particular proposal; but here they had a representative conference at which were present two Anglican bishops, two Roman Catholic bishops, and the majority of the Conservative candidates for Wales. A resolution was unanimously passed in favor of a national council for Wales to aid and supply education of all kinds—primary, secondary, and higher. The resolution was carried in this form on the suggestion of the bishop of St. David's. \* \* \* The first conference was held before the bill had been prepared; but a second conference, representative of Welsh education authorities, was held in June, and expressed its approval of the establishment of a Welsh national council for education. The resolution was proposed and seconded by supporters of the Conservative party, and was carried with only four dissentients. That showed that this was not regarded as a political question in Wales. \* \* \* The hon. and learned member was wrong in saying that in regard to intermediate education there was no autonomy in Wales. Autonomy was complete, and it had been an unqualified success. There was no country in Europe which made such sacrifices for secondary education as

<sup>a</sup> The future of denominational schools. The Independent Review, June 1906, p. 253.

Wales. Some Welsh counties had surpassed even Prussia. \* \* \* While in England the whisky money had been used for a long time in relief of rates, the Welsh counties had applied the whole of the money to building up their system of secondary education. The result was that, while secondary education was in England largely a matter of class, in Wales 8,000 out of the 10,000 children in the secondary schools came from the elementary schools. Colleges like that at Bangor—to which there was no parallel in the poor districts of England—had been founded by the voluntary contributions of quarrymen and agricultural laborers. \* \* \* The success of the Welsh University colleges was attributable to the fact that the religious controversy had been kept out. Any power which would allow the council to wrangle about religion would destroy its efficiency from the outset. He should welcome any help in eliminating the virus of this religious controversy from the system of Welsh education. As to criticisms of detail, the first amendment dealt with the question of control. He was not afraid of control, and if it was felt that real and effective Parliamentary control ought to be retained, he was perfectly willing to agree to amendments with that purpose.<sup>a</sup>

In accordance with this declaration, Mr. Lloyd-George proposed the creation of a "special minister for Wales."

Mr. Balfour in an impassioned criticism of the unexpected proposition declared "that the clause conferred administrative and legislative home rule on Wales. That was their first objection; and the Government knew the second objection they felt to the clause. Those who followed the action of the Welsh opponents and critics of the bill of 1902, and not least that of the right honorable gentleman who spoke to the committee in such mellifluous accents just now, knew that they had gone beyond the verge of legality in their attempt to destroy, or to minimize, the effect of the act of 1902, and they were justified, therefore, in looking with the extremest suspicion upon any proposal which handed over to a Welsh central body powers to do legally that which these gentlemen had endeavored to do illegally."

The new proposal, according to him, was not merely to give a central authority to Wales for primary education, but for all sorts of education, and it was to create a new ministry.

Never [he said] until the right hon. gentleman got up had it been breathed that a new paid member of the Government, a new staff, a new office, new duties were going to be set up for a portion of the United Kingdom, a new minister dealing with Wales as a whole and with no other part of the United Kingdom. That, whether right or wrong, was a constitutional change of the utmost gravity and moment. And when they had got their minister for Wales, did they think he was going to be confined to education? Did the Welsh members want him to be confined to education? Of course they did not. He was not discussing the question of home rule at all, but this was the beginning, and he did not think the right hon. gentleman would deny it, of a new system under which Wales was to bear the same relation to this House and to the other parts of the United Kingdom that Ireland or Scotland bore.

\* \* \* Never before had such a proposition been made under such circumstances. It was thrown at their heads within five hours and a half of the moment when all discussion must cease before a House of Commons which knew nothing of the proposal beforehand. That was a deliberate insult to this House which no other government in his recollection had ever dared to inflict.<sup>b</sup>

Mr. Asquith, chancellor of the exchequer, in reply to Mr. Balfour, explained that the proposal on the part of the Government was simply "to give to Wales in this matter the same kind of separate educational administrative control as now prevailed in Scotland and in Ireland."

The discussion was prolonged to the limit of time allowed by the closure when the clause as amended was carried by a vote of 335 to 107. The proposal of a separate minister for Wales was, however, subsequently set aside.

#### REPORT STAGE.

In the proceedings of the report stage on the bill no new points were elucidated, but special emphasis was laid upon its treatment of the religious problem. Mr. Balfour, closing the discussion for the Opposition, claimed that the bill did not remedy the grievances of Nonconformists, and that it was unjust to parents and to the Church of England. In

<sup>a</sup> Parliamentary Debates, 4th series, vol. 161, No. 1.

<sup>b</sup> Ibid.



response, Mr. Birrell, ignoring details, set forth the main objects of the bill as a sufficient refutation of the charges against it. In part he said:

We have had very little attention paid in these debates to clause 1, which has been almost unchallenged and has passed almost undiscussed. It has occupied a very short time indeed, and its authority has been very little challenged, either in the House or in the country. \* \* \* Anyhow, there clause 1 is, unaltered and unamended, and so it will go to another place. It secures for every Nonconformist in every village throughout this country an undenominational school within his reach. Clause 1 is what I called it once before, a charter of freedom to the village Nonconformist, and a bill which contains that clause can not truthfully or properly be said to be a bill which did not relieve, did not entirely remove, the grievance which the right honorable gentleman admits he found staring him in the face when he took up the problem in 1902, and which he left staring him in the face after he passed the act. I say, therefore, that clause 1 has relieved the Nonconformist grievance. Clause 7 has also relieved the teachers, set free the teachers' conscience, a matter of some importance to a vast and honorable profession. These two clauses taken by themselves fulfill pledges and work a mighty reform. I am not here to find fault with the act of 1902, having administered it, as it has been my lot to do for some months. I recognize, as indeed many of us have recognized, that it contains some admirable provisions. But the right honorable gentleman failed, and he has admitted that he failed—I do not blame him; with his allies and his supporters he found it impossible. I know something of the difficulty of allies, and even the most powerful minister, even a prime minister, seldom has all his own way, and I, therefore, being the humblest of ministers, could not expect to have had all my own way in this matter. Therefore, I do not blame the right honorable gentleman for having been unable to deal with the grievance which he admitted he found, and which he left for us to deal with. I think, therefore, that clauses 1 and 7 are very considerable achievements and very great reforms. Then there is the religious difficulty with which the right honorable gentleman dealt. I have never been among those who quarreled with the existence of the religious difficulty. I regret, of course, that it should exist—we all must; but I do not wonder that it does exist, nor am I angry, if you can imagine such a thing, with my fellow-countrymen for attaching the great importance which they do to this subject. \* \* \* While we admit the differences that divide us, let us not, for Heaven's sake, exaggerate them and make them out to be more serious. We had to grapple with the religious difficulty. We grappled with it in a certain way. We knew the opposition we should meet with from various quarters. But our object being to secure the maximum of religious instruction in the greatest number of schools, we came to the conclusion that it was only by adhering to the system of undenominational teaching that we could secure a wide system of religious instruction which excludes the formularies distinctive of religious sects, but which allows the teacher to put the whole force of his religious character into his religious teaching, a character without which his teaching would be vain, no matter to what denomination he belongs. If he has not got it, it does not matter what he calls himself; if he has the teacher's gift, then, indeed, even through the so-called "dry bones" of this Cowper-Templeism he can impart to the children who fall under his influence all the elements of sound religion and deep-rooted piety. We have kept our pledges. We have secured popular control. The right honorable gentleman says, What is the value of it if you put all sorts of burdens on the local authorities? So it will. That is the lookout of the local authority. I have never known a local authority which despised new duties or shirked new administration. We have secured popular control; we have secured through all the villages undenominational schools for the children of Nonconformists. Then it is said that in doing this you have inflicted grievous wrong and injury on the Church of England. I do not believe it. I should be very sorry if I thought that any action or word of mine had done any harm to the Church of England as a spiritual body. I care nothing for it in any other capacity. I believe that this bill, so far from doing it any harm as a spiritual organization, will remove and disperse a black cloud of suspicion and dislike which for two hundred years and more has hung over it in the matter of education. So far from doing injury to the Church of England, this bill, if properly carried out, if due effect is given to its provisions, will strengthen the Church of England and make it far more popular in the country districts than it has been in the past, and relieve it from a cloud of suspicion, dislike, and sometimes, I am afraid, of actual hatred. I therefore claim that this bill will not substantially injure the Church of England. It will secure, in the first place, where the schools are taken over, their catechetical teaching, the rent for their premises, which will enable them to obtain, if necessary, such outside assistance as they require. They may give it in the school, or under clause 6 they may give it in the Church. They may take away the child altogether during the three-quarters of an hour of instruction. This freedom will be restored to them; the power and the control of the clergy, the loss of which they resented so bitterly in 1902, when it was taken from them, will to some considerable extent be restored to them. I say that as a spiritual instrument their position, so far from being worse, will be better under the provisions of this bill. \* \* \* The bill leaves us to-night. It goes elsewhere. Many

have spoken of what is going to happen elsewhere. I have no such knowledge. I indulge in no speculation on the subject. Their responsibility rests with them and with them alone. They can do whatever they choose to this bill. In parting with the bill I have to thank the House for the great kindness and invariable courtesy with which they have received me, inexperienced in these matters, from first to last. I am not sorry that my first efforts in trying to pass a bill through this House should have been one connected with a subject which, after all, whatever our opinions may be, goes deep down into the very vitals of the future of our people.<sup>a</sup>

On account of the failure of the Government to modify clause 4 in the particulars which Mr. Redmond had pointed out as necessary to make it acceptable to the Roman Catholics,<sup>b</sup> the Irish vote was cast against the bill. Notwithstanding this defection the bill as reported from the committee stage past the House of Commons with very slight modifications by a majority of 192, or only 11 less than the majority recorded for the first clause by the House of Commons in committee.

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<sup>a</sup> From The Times, London, July 31, 1906.

<sup>b</sup> See pp. 22, 23.

*Complete text of the education bill of 1906.*

A BILL [as amended in committee and on report] to make further provision with respect to education in England and Wales.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*PART I.—Elementary schools:*

1. On and after the first day of January, one thousand nine hundred and eight, a school shall not be recognised as a public elementary school unless it is a school provided by the local education authority.

2. (1) A local education authority for the purpose of continuing any existing voluntary school as a school provided by them, in cases where they desire to do so, may, with the consent of the board of education, make any arrangements they think fit by agreement with the owners of the schoolhouse of the school for obtaining such use of it as is required for carrying on a public elementary school, and may as occasion requires renew any such arrangement or make fresh arrangements for the purpose in a similar manner; but it shall be a condition of any such arrangement—

(a) That the local education authority during the continuance of the arrangement keep the schoolhouse in good repair, and are enabled to make any alterations and improvements which in the opinion of the local education authority (or in case of dispute in the opinion of the board of education) appear to be reasonably required, subject to the right of the owner of a schoolhouse which is not held under any charitable trust himself to carry out, if he wishes it, any alterations or improvements so required, and to recover from the local education authority any expenses which, in the opinion of the authority, or in case of dispute, in the opinion of the board of education, are reasonably incurred for the purpose; and

(b) That the use of the schoolhouse obtained by the local education authority is free from any trusts or conditions which are not consistent with the conduct or management of the school as a public elementary school provided by them, or in any way restrict their full control of the school as a public elementary school, save as hereinafter provided.

(2) The owners of the schoolhouse of any existing voluntary school which is subject to charitable trusts shall have full power, notwithstanding those trusts, to make and carry out any arrangement under this section, and in the time during which the local education authority have not the use of the schoolhouse under any such arrangement, to use the schoolhouse or permit it to be used either in consideration of a payment or free of charge for any purposes of public or social utility they think fit, subject nevertheless to any statutory provisions under which the use of the schoolhouse or any room therein may be required for public or educational purposes.

(3) Any school in respect of which an arrangement is made under this section shall for the purposes of the education acts be deemed to be a school provided by the local education authority.

(4) Nothing in this section shall affect the powers of a local education authority with respect to purchasing or taking on lease a schoolhouse under section nineteen of the elementary education act, one thousand eight hundred and seventy.

(5) Nothing in this section shall prevent the granting or requiring of facilities for special religious instruction in accordance with this act, or prevent a local education authority, as a condition of an arrangement made under this section with respect to the use of the schoolhouse of an existing voluntary school, from giving an undertaking to give religious instruction which does not conflict with section fourteen of the elementary education act, one thousand eight hundred and seventy, in the school.

3. (1) If the affording of facilities under this section for the giving of religious instruction of some special character not permitted under section fourteen of the elementary education act, eighteen hundred and seventy, has been made a condition of any arrangement for the use by the local education authority of the schoolhouse of a transferred voluntary school, or of any scheme under this part of this act with respect thereto, or of the purchase or hire of the schoolhouse, that authority shall, notwithstanding anything in that section, afford those

facilities by enabling children whose parents wish them to receive religious instruction of that special character to receive that instruction on not more than two mornings a week, and the mornings fixed by the local education authority shall be the same mornings in the week for all those children, unless the authority, on account of the accommodation in the school, or the number of classes in the school, consider that the instruction can not be efficiently given on the same mornings to all the children whose parents wish them to receive it.

(2) No part of the expense of giving religious instruction of a special character under this section shall be paid by the local education authority.

4. (1) A local education authority may afford extended facilities for religious instruction of some special character not permitted under section fourteen of the elementary education act, eighteen hundred and seventy, in any transferred voluntary school in an urban area, by permitting the religious instruction given in the school to be instruction of that special character, notwithstanding anything in that section, if an application is made to them for those extended facilities, and if they are satisfied, after holding a public local inquiry with reference to the application—

(a) That, as the result of a ballot taken previously to the inquiry as to the wishes of the parents in accordance with this section, it appears that the parents of at least four-fifths of the children attending the school desire those facilities; and

(b) That there is public school accommodation in schools not affected by a permission given under this section for the other children attending the school:

*Provided*, That a child shall not be reckoned in the number of children for whom accommodation is required if the parent of the child shows at the inquiry that he does not require that accommodation for his child, and that no vote has been given at the ballot in respect of the child.

Where extended facilities are so afforded, the local education authority may also, if they think fit, permit the teachers employed in the school to give the instruction desired, but not at the expense of the authority.

A local education authority shall take into consideration any application made to them with respect to a school under this section if it is made by the parents of at least twenty children attending the school and if an application under this section has not been made with respect to the same school during the preceding twelve months, and shall cause a ballot to be taken and hold a public local inquiry with reference thereto, but shall not be under any obligation to take into consideration any application otherwise made to them. Extended facilities shall not be afforded under this section except where the use of the schoolhouse is given, or the schoolhouse is transferred, to the local education authority free of any rent or other payment in respect of the use of the schoolhouse for the purposes of a public elementary school.

(2) A permission given under this section may be at any time withdrawn by the local education authority if, after causing a ballot to be taken and holding a public local inquiry with reference to the matter, they think that the conditions on the strength of which the permission was given no longer obtain; but the withdrawal of a permission shall not take effect until the expiration of such period after the date on which the resolution of withdrawal is passed (not being less than twelve months) as the authority may fix, and shall not prevent a permission under this section being again granted in respect of the school on any subsequent application.

(3) For the purposes of this section, the expression "urban area" means the county of London and any borough or urban district having in either case a population exceeding five thousand according to the last census for the time being.

(4) An application may be made under this section as respects any existing voluntary school for a permission to take effect in the event of the school becoming a transferred voluntary school, and the provisions of this section shall apply in such a case as they apply in the case of a school which has actually become a transferred voluntary school.

(5) A ballot for the purposes of this section shall be taken in accordance with regulations made for the purpose by the board of education, and those regulations may incorporate any of the provisions of the ballot act, eighteen hundred and seventy-two (including the penal provisions thereof).

5. (1) Where the local education authority refuse to agree to an arrangement offered to them by the owners of the schoolhouse of an existing voluntary school as respects the use of the schoolhouse, and the school is one in respect of which extended facilities are desired, the owners of the schoolhouse may appeal to the board of education, and that board may, if they are satisfied that all the conditions requisite before extended facilities can be granted in a school under this act are fulfilled in the case of the school, and, if they think fit, after considering the circumstances of the case, and the wishes of the parents of children attending the school as to the continuance of the school with extended facilities, by order, make an arrangement under this act with respect to the use of the schoolhouse on such terms and conditions as may be contained in the order, including a condition requiring extended

facilities to be afforded, but if, under any special circumstances of the case the board think it expedient, they may, instead of making such an arrangement, make an order allowing the school to continue as a state-aided school. Provided that—

(a) An order shall not be made under this provision unless the schoolhouse is, in the opinion of the board of education, structurally suitable; and

(b) An arrangement made by order for the use of a schoolhouse under this provision shall not have effect for more than five years.

(2) It shall be the duty of the local education authority to comply with any condition contained in any arrangement made by an order under this section.

(3) An appeal under this section shall not be entertained unless it is made before the first day of January, one thousand nine hundred and eight.

(4) The parents of at least twenty children attending a transferred voluntary school, if aggrieved by the mode in which extended facilities are afforded by a local education authority, may appeal to the board of education, and that board, if satisfied, after considering the circumstances of the case, that there are reasonable grounds for the appeal, may make an order allowing the school to continue as a state-aided school, and providing so far as necessary, for the cancelling of any arrangement made with respect to the transfer or use of the schoolhouse, and for any other matter for which provision is required in connection with the order.

(5) Where an order is made under this section allowing a school to continue as a state-aided school, the board of education may, notwithstanding anything in this act, pay to that school the parliamentary grants which would be payable in respect of the school or the scholars in the school if it was a public elementary school, so long as the board are satisfied that the regulations contained in paragraphs one, two, and three of section seven of the elementary education act, one thousand eight hundred and seventy (a copy of which shall be conspicuously put up in the school), and such other conditions as they prescribe as conditions for the payment of the grant, are complied with in the case of the school. A state-aided school shall not be treated as a public elementary school except for the purpose of the elementary school teachers (superannuation) act, one thousand eight hundred and ninety-eight, and any other purpose which may be prescribed by the board of education.

6. If the local education authority at any time make an arrangement for the transfer to them, or the use by them, of the schoolhouse of an elementary school not being a public elementary school, and conduct it as a public elementary school provided by them, the foregoing provisions of this act with respect to facilities (including extended facilities) shall apply to that school in the same manner as they apply to a transferred voluntary school; but nothing in this section shall be construed so as to apply the provisions of this act allowing an appeal to the board of education in cases where a local education authority refuse to make an arrangement as respects the use of the schoolhouse of an existing voluntary school.

7. The parent of a child attending a public elementary school shall not be under any obligation to cause the child to attend at the schoolhouse, except during the times allotted in the time table exclusively to secular instruction.

8. (1) A teacher employed in a public elementary school shall not give any religious instruction of a special character not permitted under section fourteen of the elementary education act, one thousand eight hundred and seventy, in any school in which facilities for that instruction are afforded under this act, except where permitted to do so by the local education authority in cases where extended facilities are so afforded.

(2) A teacher employed in a public elementary school shall not be required as part of his duties as teacher to give any religious instruction, and shall not be required as a condition of his appointment to subscribe to any religious creed, or to attend or abstain from attending any Sunday school or place of religious worship.

(3) Where a local education authority continue an existing voluntary school under this act as a school provided by them, any teachers in the school at the time of the transfer shall continue to hold office under the local education authority by the same tenure and on the same terms and conditions, so far as they are consistent with the provisions of this act as before the transfer.

(4) Any teacher employed at the time of the passing of this act in an existing voluntary school, who loses his employment by reason of the school ceasing to be a public elementary school in consequence of this act, shall be entitled, in accordance with regulations made for the purpose by the treasury and the board of education, notwithstanding anything in the elementary school-teachers' superannuation act, one thousand eight hundred and ninety-eight, or the rules made under that act, to pay contributions to the deferred annuity fund under that act during any time (not exceeding one year after the date at which he so loses his employment) in which he is not employed in recorded service, and to reckon the time in respect of which contributions are so made as if it were recorded service.

9. (1) Where the schoolhouse of an existing voluntary school is held under charitable trusts, and no arrangement has been made with respect to the schoolhouse under this act,

the local education authority may, at any time after the first day of January, one thousand nine hundred and seven, apply to the commission appointed under this act to make a scheme with respect to the mode in which effect is to be given to the trusts of the schoolhouse in the future: *Provided*, That where the owners of a schoolhouse have appealed to the board of education as regards that schoolhouse under the provisions of this act relating to appeals with respect to extended facilities, no application under this section shall be entertained or proceeded with by the commission unless and until the board of education have determined not to make an order on the appeal to them.

(2) In making any such scheme, the commission shall act in accordance with the principles followed by the high court in exercising as the successors of the court of chancery the ordinary jurisdiction as to charities inherent in that court; but

(a) They shall not treat a proposal to carry on an elementary school as a proper mode of giving effect to the trusts of the schoolhouse unless sufficient guarantee is given for the effective continuance of the school for a period of at least five years; and

(b) If they are of opinion that the use of the schoolhouse for the purpose of a public elementary school by the local education authority in accordance with this act is the best mode of giving effect to the trusts, they may by the scheme make provision for the purpose, subject to such conditions (if any) as to payment or other matters as the commission think just, having regard to—

(i) The grants or assistance, if any, received from public funds towards the building, enlargement, or improvement, or fitting up of the schoolhouse.

(ii) The limited nature of the user thereof by the local education authority.

(iii) The facilities given therein for special religious instruction and the performance of the original trusts.

(iv) The cost of maintenance and repair; and such other circumstances as may in their opinion properly be considered.

(3) A provision made by the commission with respect to the use of a schoolhouse by a local education authority shall not have effect for more than five years, unless the local education authority and the owners of the schoolhouse agree that the provision shall have effect for a longer time.

(4) A scheme made by the commission shall have effect as if enacted by this act, but a provision made by the commission with respect to the use of a schoolhouse by the local education authority may be altered by the board of education with the consent of the owners of the schoolhouse and the local education authority, and on the expiration of any such provision the board of education shall have the same powers for renewing the provision, or making a fresh provision for the like purpose, as the commission have with respect to the provision originally made; and for the purposes of this act any provision renewed or made by the board of education shall be treated as a provision made by a scheme of the commission under this section.

(5) No court shall have power to review or interfere in any way with the schemes, decisions, or other proceedings of the commission, and the commission shall amongst other matters have power to decide whether a schoolhouse is held under charitable trusts or not.

10. (1) The commission under this act shall consist of the Right Honourable Sir Arthur Wilson, K. C. I. E., Sir Hugh Owen, G. C. B., and Henry Wilson Worsley Taylor, esquire, K. C.

(2) If a vacancy occurs in the office of any commissioner so appointed by reason of death, resignation, incapacity, or otherwise, His Majesty may appoint some other person to fill the vacancy, and so from time to time as occasion requires.

(3) The remuneration of the commissioners and all expenses of the commission incurred in the execution of this act shall be paid out of moneys provided by Parliament.

(4) The procedure, place of meeting, and authentication of documents of the commission shall be regulated in such manner as the commission determine.

(5) The commissioners may examine witnesses on oath, and for enforcing the attendance of witnesses, after the tender of their expenses, the examination of witnesses, and the production of books and documents, shall have all such powers, rights, and privileges as are vested in any of His Majesty's courts of law.

(6) The powers of the commission shall be in force until the thirty-first day of December, one thousand nine hundred and eight, but His Majesty may by order in council continue their powers for such further period as His Majesty thinks fit.

11. (1) Where the schoolhouse of an existing voluntary school is held under charitable trusts, the local education authority, if they require the use of the schoolhouse for the purpose of avoiding for the time being any deficiency of public school accommodation in their area and have not obtained that use under this act, shall be entitled to have, without payment, such use of the schoolhouse as is needed for the purpose of carrying on a public elementary school from the first day of January, one thousand nine hundred and eight, until the first day of January, one thousand nine hundred and ten.

(2) While a schoolhouse is used under the powers given by this section, the same conditions and provisions shall apply under this act as where an arrangement is made for the use of a schoolhouse, except that the local education authority shall not make any alteration which is of a permanent character, or will interfere with the use of the schoolhouse for any purpose for which it has been previously used, and shall permit the religious instruction given in the school to be of the same character as that previously given, and shall also permit the teachers in the school to give that instruction as part of their duties; and if a vacancy arise in the office of teacher while the schoolhouse is used under this section, the local education authority shall, in choosing the teacher, appoint a teacher who is willing to give the religious instruction required under this section.

(3) An arrangement or a scheme may be made under this part of this act with reference to a schoolhouse used under the powers given by this section, notwithstanding that it is so used; but where such a scheme or arrangement is made, the provisions of this section shall cease to apply on the date when the scheme or arrangement commences to take effect.

12. (1) An existing voluntary school shall not be closed at any time between the passing of this act and the first day of January, one thousand nine hundred and eight, except with the sanction of the board of education, and if the managers of any such school in cases where no such sanction is given are unwilling or fail to carry on the school during that period, the local education authority may carry on the school, as a school provided by them, until the first day of January, one thousand nine hundred and ten, and for that purpose shall, notwithstanding any trust or condition on which the schoolhouse is held, have full authority to use that schoolhouse for the purposes of the school.

(2) If the owners of the schoolhouse refuse to give such possession of the schoolhouse as is required for the purposes of this section, that possession may be obtained, whatever may be the value or rent of the schoolhouse, by or on behalf of the local education authority, either under sections one hundred and thirty-eight to one hundred and forty-five of the county courts act, one thousand eight hundred and eighty-eight, or under the small tenements recovery act, one thousand eight hundred and thirty-eight, as in the cases therein provided for, and in either case as if the local education authority were the landlord.

13. In addition to any other parliamentary grant there shall be annually paid, out of moneys provided by Parliament, a grant of one million pounds, to be distributed amongst local education authorities in such shares and in such manner as may be determined by the minutes of the board of education for the time being in force with respect to public elementary schools.

14. In this part of this act—

(1) The expression "existing voluntary school" means a school which is at the time of the passing of this act a public elementary school not provided by the local education authority.

(2) The expression "transferred voluntary school" means a school which is continued as a public elementary school by the local education authority in the schoolhouse of an existing voluntary school, either under an arrangement made in pursuance of this part of this act or under an agreement for the purchase or hire of the schoolhouse made after the passing of this act and before the first day of January, one thousand nine hundred and eight, or an agreement made in continuance of such an agreement or in pursuance of a scheme made by the commission under this act.

(3) The expression "public local inquiry" means a local inquiry held by a local education authority in accordance with regulations made by the board of education for the purpose.

(4) The expression "owners," as respects any schoolhouse, means any persons (other than the official trustee) in whom the schoolhouse is vested, and includes any persons in whom an interest in the schoolhouse is vested to the extent of that interest.

Where a schoolhouse or any interest therein is vested in the official trustee or where any difficulty arises as to who are the owners of the schoolhouse or any interest therein, any persons recognised or appointed to act as owners for the purposes of this part of this act by the board of education, shall for those purposes be deemed to be the owners.

During the time between the passing of this act and the first day of January, nineteen hundred and eight, the owners of the schoolhouse of an existing voluntary school shall furnish to the local education authority any information which the authority may reasonably require as to the title under which the school is held and, in the case of a school held under charitable trusts, as to the nature of the trusts and the contents of the trust deeds (if any).

(5) No child shall be reckoned, for the purposes of the provisions of this part of this act relating to extended facilities and appeals with respect to the mode of giving extended facilities, as a child attending a school, unless the child has attended the school with due regularity for at least six months, in accordance with the code of minutes of the board of education for the time being in force in respect to public elementary schools, and if any question arises whether a child has attended a school for the purpose of those provisions, that question shall be decided by the board of education.

PART II.—*Miscellaneous amendments.*

15. (1) The council of every county shall, subject to the provisions of this section, within two years after the passing of this act, prepare a scheme for the purpose of delegating throughout their county to representative bodies, as defined by this section, some of their powers and duties with respect to elementary education, and shall as soon as may be after the passing of this act obtain information for the purpose of making such a scheme by public local inquiries and other means.

No power of making a by-law under section seventy-four of the elementary education act, eighteen hundred and seventy, or of incurring expenses in respect of capital expenditure or rent on account of the provision or improvement of a public elementary school, and no power to engage, dismiss, or fix the salary of a teacher or of making arrangements under this act for the use of the schoolhouses of voluntary schools or of affording or withdrawing facilities under this act, for the giving of religious instruction of some special character, shall be delegated under the scheme, without prejudice, however, to any power of delegation (otherwise than by scheme) under any other act.

(2) Where powers and duties are delegated to a representative body under a scheme made in pursuance of this section, the county council shall charge on the area for which the representative body acts (in this section referred to as "the delegation area") the whole or some proportion of the expenses of carrying out the powers and duties delegated, or any amount of those expenses which exceeds some specified sum or limit, and may, in addition, if provision is made for the purpose by the scheme, charge on the delegation area any expense which appears to the county council to have been caused by any neglect or default of the representative body to perform the duties delegated to them or through the withholding of any grant due to any such neglect or default.

(3) The provisions of the scheme, as to the powers and duties delegated and as to the charging of expenses, shall be uniform as respects all the delegation areas in the county.

(4) A delegation area must be either a local government area or a combination of local government areas, and the areas combined need not necessarily be contiguous.

A representative body must be either—

(a) A body elected for the purpose in manner provided by the scheme by the local government or parochial electors for the delegation area, on which women shall be capable of being elected; or

(b) The council of a local government area, where that is possible owing to the delegation area being a single local government area; or

(c) A body composed of members of the councils of such local government areas wholly or partly situate in the delegation area as the scheme directs and appointed by those councils in such manner and proportions and subject to such conditions as may be provided by the scheme, and, if the scheme so directs, of additional members nominated in manner provided by the scheme, and not exceeding in number one-fourth of the total number of the representative body.

For the purposes of this provision, in the case of a local government area being a parish not having a parish council, parochial electors shall be substituted for members of the parish council, and the parish meeting shall be substituted for the parish council.

Women shall be capable of being nominated as such additional members, and the scheme shall provide for the inclusion of some women amongst the members so nominated.

(5) Every scheme prepared under this section shall be submitted to the board of education and shall be approved by the board if they are satisfied that proper inquiries have been made before preparing the scheme and that an opportunity has been given to persons interested in the matter for expressing their views on any scheme so prepared and that the scheme is within the powers given by this section.

On the approval of a scheme by the board of education, the scheme shall have effect as if enacted by this act.

(6) If, after obtaining information for the purpose of a scheme under this section, the council of a county having a population, according to the last census, of less than sixty-five thousand pass a resolution that a scheme is not necessary in their case, having regard to the special circumstances of their county, and make a special report on the subject to the board of education, the board of education may, if they think fit, exempt that council from the obligation to make a scheme under this section, but the council may at any time, if they think fit, make such a scheme, although the scheme is not prepared within the time limited by this section.

(7) A scheme under this section may be altered or amended by a subsequent scheme made in accordance with the provisions thereof, and a county council may at any time make such a scheme for the purpose.

(8) A county council shall not be under any obligation to appoint managers under section six of the education act, one thousand nine hundred and two, for a public elementary school if they consider that the management of the school is properly provided for by delegation to a representative body.



(9) The accounts of the receipts and expenditure of a representative body under this section shall be made up and audited in like manner and subject to the same provisions (including penal provisions) as the accounts of a local education authority: Provided, that if, in any case, the local government board so determine, those accounts shall be audited as accounts of the county council, and in that case the auditor shall have the same power with respect to members of the representative body and their officers as he would have if those members and officers were officers of the county council.

(10) If any local authority who are elected by the local government or parochial electors of their area or any representative body for any delegation area under this section request the council of the county in which the area is situated to incur specially for the benefit of that area expenditure in relation to elementary education beyond the normal expenditure in the rest of the county, the county council may, if they think fit, charge the expenditure so incurred separately upon that area.

(11) In this section—

The expression "county" does not include a county borough or the county of London, and does not include any part of a county which is not included in the area of the county council as local education authority under Part III of the education act, one thousand nine hundred and two.

The expression "local government area" means a borough, an urban or a rural district, or a parish.

16. (1) A local education authority shall have the same power, exercisable in the same manner and subject to the same provisions, for the purchase of land either compulsorily or by agreement for the purposes of Part II of the education act, one thousand nine hundred and two, as they have under the education acts for the purposes of Part III of that act, but the powers given by this section shall be in addition to and not in derogation of any powers for the purpose possessed by the council.

(2) A local education authority may—

(i) appropriate, with the consent of the board of education, for the purpose of Part II of the education act, one thousand nine hundred and two, any land acquired by them for the purposes of Part III of the education act, one thousand nine hundred and two, or taken over by them under that act as successors of a school board; and

(ii) appropriate, with the consent of the board of education, for the purposes of Part III of the education act, one thousand nine hundred and two, any land acquired by them for the purpose of Part II of the education act, one thousand nine hundred and two, either under that act or for similar purposes under any act repealed by that act; and

(iii) appropriate, with the consent of the local government board, for any of the purposes of the education acts, any land acquired by them otherwise than in their capacity as local education authority; subject in any case to any special covenants or agreements affecting the use of the land in their hands.

(3) Where the capital expenditure in connection with any land appropriated under this section or any loan for the purpose of repaying that expenditure or any part of that expenditure or loan has been or is charged on or raised within any special part of the area of the local education authority, and the board of education or, in the case of land appropriated under this section and not acquired for any of the purposes of the education acts, the local government board are of opinion that the use of the land for the purposes for which it is appropriated will alter the area benefited by the expenditure, the board shall order such equitable adjustment in respect thereof to be made as they think right under the circumstances, and the local education authority shall comply with any order so made.

17. In the application of section sixty-nine of the local government act, one thousand eight hundred and eighty-eight, to money borrowed after the passing of this act under the education acts by the council of a county, a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the maximum period within which borrowed money is to be repaid, and any money reborrowed for the purpose of discharging a loan raised for the purposes of the education acts may, if the local government board approve, and subject to such conditions as they impose, be repaid within such period, not exceeding sixty years from the date of the original loan, as the local government board fix.

18. The limit on the amount which may be raised by the council of a county for the purposes of education other than elementary under section two of the education act, one thousand nine hundred and two, shall cease to operate.

19. If the local government board by general order declare that expenses incurred for particular purposes specified in the order may be properly treated under section eighteen of the education act, one thousand nine hundred and two, as expenses incurred by way of capital expenditure, no question shall be raised on audit as to the treatment of expenses incurred for those particular purposes in that manner.

20. Where any receipts or payments of money under the education acts are entrusted to any joint education committee established under section seventeen of the education act,

one thousand nine hundred and two, or to any joint body established under section fifty-two of the elementary education act, one thousand eight hundred and seventy, or otherwise established by two or more local authorities, the accounts of those receipts and payments shall, unless in any case the local government board direct to the contrary, or any provisions to the contrary which have been approved by the local government board are contained in the scheme or instrument establishing the committee or body, be audited as if the joint committee or body were a separate local education authority, and the enactments relating to the audit of the accounts of local education authorities (including the penal provisions of those enactments) shall apply accordingly.

21. (1) The public works loan commissioners may lend to a local education authority any money which that authority are authorised to borrow for the purposes of Part II of the education act, one thousand nine hundred and two.

(2) The public works loan commissioners may lend to the governing body of any school or other educational institution not conducted for private profit for the purpose of the provision of buildings (including recreation grounds), equipments or improvements, any sums which that body may borrow, and any loan so made shall bear interest at such rate, not less than three pounds five shillings per cent per annum, as the Treasury may authorise as being in their opinion sufficient to enable those loans to be made without loss to the Treasury.

22. (1) If any question arises—

(a) Whether any purpose for which a council wish to exercise their powers under the education acts, is within their powers under those acts; or

(b) Whether any purpose for which a council wish to exercise any powers under the education acts is a purpose of Part II of the education act, one thousand nine hundred and two, or of Part III of that act; or

(c) Whether any school, college, or hostel is a school, college, or hostel provided by a council, or a school, college, or hostel aided but not provided by a council; that question shall be referred to and determined by the board of education, and their decision shall be conclusive on the matter.

(2) For the purposes of the education acts, the providing or aiding the provision of any training or instruction of any kind whatever, and any like purpose which the board of education determine to be an educational purpose, shall be deemed to be educational purposes; and the expression "education" in those acts shall be construed accordingly.

23. The owners of a transferred voluntary school shall give the local education authority the right to use, on not more than three days in the week, any room in their schoolhouse out of school hours for any educational purpose, if, in the opinion of the authority, or, in case of dispute, in the opinion of the board of education, there is no suitable accommodation for the purpose in schoolhouses belonging to the authority.

The terms on which the use of any room in a schoolhouse is to be given under this section shall be such as may be agreed upon, or, in default of agreement, settled by the board of education.

24. The powers and duties of a local education authority under Part III of the education act, one thousand nine hundred and two, shall include—

(a) Power to provide, for children attending a public elementary school, vacation schools, vacation classes, play centers, or means of recreation during their holidays or at such other times as the local education authority may prescribe, in the schoolhouse or in some other suitable place in the vicinity, so far as the local education authority in the case of a schoolhouse or place not belonging to them can obtain for the purpose the use of the schoolhouse or place; and

(b) The duty to provide for the medical inspection of children before or at the time of their admission to a public elementary school, and on such other occasions as the board of education direct, and the power to make such arrangements as may be sanctioned by the board of education for attending to the health and physical condition of the children educated in public elementary schools; and

(c) Power to aid by scholarships or bursaries the instruction in public elementary schools of scholars from the age of twelve up to the limit of age fixed for the provision of instruction in a public elementary school fixed by section twenty-two subsection two of the education act, one thousand nine hundred and two.

25. Any obligation to frame, form, or keep a register of teachers under paragraph (a) of section four of the board of education act, one thousand eight hundred and ninety-nine, shall cease.

### PART III.—*Council for Wales.*

26. (1) His Majesty may, by order in council, establish a central education authority for Wales, to be called the Council of Wales, consisting of members appointed by the councils of counties and of county boroughs and of any boroughs and urban districts having a population of over twenty-five thousand, according to the census of one thousand nine hundred and one.

(2) In determining the number of representatives to be appointed by each of those authorities, regard shall be had, among other matters, to population and rateable value: Provided, That the council of each county and of each county borough shall appoint at least two representatives, and that provision shall be made by the order in council, so far as is practicable, for the representation of minorities in the number of representatives appointed by the council of each county and each county borough, and on any executive committee appointed by the council, in the proportion so far as possible of at least one in three.

(3) The Council of Wales shall have power to supply and to aid the supply of education of all kinds in Wales.

(4) The following powers and duties, so far as they relate to Wales, shall, subject to the provisions of this section and to such exceptions as His Majesty may make by order in council, be transferred to the council of Wales:

(a) The powers and duties of the board of education; and

(b) The powers and duties of the board of agriculture with respect to instruction connected with agriculture and forestry; and

(c) The powers and duties of the central Welsh board for intermediate education: Provided, That the following powers and duties shall be reserved to the board of education:

(a) Any appeal to the board of education, and the determination of any question under this act, except where the contrary is specially provided in this act;

(b) The power of determining whether any transferred voluntary school shall be discontinued or not;

(c) The regulation and control of State-aided schools; and

(d) All powers and duties of the board of education under the charitable trusts acts, one thousand eight hundred and eighty-three to one thousand eight hundred and ninety-four, and the endowed schools acts, one thousand eight hundred and sixty-nine to one thousand eight hundred and eighty-nine.

In the exercise of any powers or in the performance of any duties transferred under this provision the Council of Wales shall be subject to the control of the treasury.

(5) Any money which may be placed at the disposal of the Council of Wales by Parliament for the purpose of education in Wales, on estimates submitted to Parliament for the purpose by the treasury, shall be administered by that council, subject to the control of the treasury.

(6) The order in council may make provision for the Council of Wales having power to raise any money required by them by means of contributions from the authorities who appoint members of that council, and for the borrowing of money and acquisition and holding of land by the council, and for any other matters for which it is necessary or expedient to make provision for the purpose of enabling the council to perform its duties or exercise its powers.

(7) The accounts of the Council of Wales, whether they relate to money granted by Parliament or not, shall be deemed to be public accounts within the meaning of section thirty-three of the exchequer and audit departments act, one thousand eight hundred and sixty-six, and shall be examined and audited accordingly.

(8) An order in council made for the purposes of this section may be varied or revoked by any subsequent order so made.

(9) The draft of any order in council proposed to be made under this section shall be laid before each House of Parliament for not less than four weeks during which that House is sitting before it is submitted to His Majesty in council, and if before the expiration of that time an address is presented to His Majesty by both Houses of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new draft.

(10) This section shall apply to the county of Monmouth as if it were part of Wales.

#### PART IV.—*Supplemental.*

27. (1) If a certificated teacher employed at the time of the passing of this act in an existing voluntary school satisfies the local education authority in whose area the school is situated that he has lost employment, or been obliged to accept employment with a diminished salary, by reason of the school ceasing to be a public elementary school in consequence of this act, and that he has used all diligence to obtain suitable employment, he shall be entitled to be paid by the local education authority such an allowance as the authority think just under the circumstances, not exceeding, in cases where the teacher has suffered complete loss of employment, three times the amount of the yearly salary to which he was entitled on the thirtieth day of June, one thousand nine hundred and six; or, if he was not employed on that day, to which he was entitled when he was last employed previously to that date; and, in the case of a teacher who has been obliged to accept a diminished salary, not exceeding three times the amount by which his salary is diminished.

(2) Any teacher aggrieved by the decision of a local education authority with respect to his application for an allowance under this section may appeal to the board of education, and the board of education, after considering the case, may proceed under this section in the same manner as the local education authority could have proceeded.

(3) Conditions may be attached to the award of any allowance under this section providing for the repayment to the local education authority of some part of the allowance in cases where the teacher obtains employment after the allowance is awarded.

(4) Any allowance awarded under this section by the local education authority or on an appeal by the board of education shall be paid by the local education authority as expenses incurred by them under Part III of the education act, one thousand nine hundred and two, and shall be a debt due from the authority to the teacher.

(5) A teacher who has received an allowance under this section shall not be entitled to a disablement allowance under section two of the elementary school teachers' superannuation act, one thousand eight hundred and ninety-eight, until the expiration of five years from the date on which the allowance under this section becomes payable, and the local education authority and the board of education on appeal, in considering the amount to be granted as an allowance to a teacher over the age of sixty years, shall take into consideration his right to a pension under that act when he reaches the age of sixty-five.

28. Nothing in this act shall affect the powers of the board of education to aid out of the parliamentary grant schools for blind, deaf, defective, or epileptic children under section twelve of the elementary education (blind and deaf children) act, one thousand eight hundred and ninety-three, or section seven of the elementary education (defective and epileptic children) act, one thousand eight hundred and ninety-nine, and notwithstanding anything in the education acts, a parliamentary grant may be paid to marine schools, and to the Royal Hospital school, Greenwich, and to schools for demonstration and practice connected with training colleges inspected by the board of education, and to any elementary school which is part of or is held in the premises of any institution in which children are boarded, although the school is not provided by the local education authority.

29. For the purpose of disposing of any questions outstanding under section thirteen of the education act, one thousand nine hundred and two, as to the application of any endowment, the board of education may, on the application of the local education authority, or of any persons appearing to the board of education to be interested, determine not only any question which they have power to determine under that section, but also any question whether any part of the income of an endowment should, under that section, have been paid to the local education authority, and may by any such order determine the proportions in which the income of the endowment should, for the purpose of that act, have been apportioned between the persons entitled thereto, and may indemnify any person in respect of any payment purporting to have been made or withheld in pursuance of that section, notwithstanding that the payment has not been properly so made or withheld.

30. (1) The enactments mentioned in the schedule to this act are hereby repealed to the extent specified in the third column of that schedule as from the first day of January, one thousand nine hundred and eight, except where an earlier date is specially mentioned in that schedule as respects any repealed enactment.

(2) This act may be cited as the education act, one thousand nine hundred and six, and shall be construed as one with the education acts, one thousand eight hundred and seventy to one thousand nine hundred and three, and those acts and this act are in this act referred to as the education acts, and may be cited as the education acts, one thousand eight hundred and seventy to one thousand nine hundred and six.

(3) This act shall not extend to Scotland or Ireland.

## *Education Act, 1902 (partial text).<sup>a</sup>*

AN ACT to make further provision with respect to education in England and Wales.

[18th DECEMBER, 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lord's spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### *PART I.—Local education authority.*

1. For the purposes of this act the council of every county and of every county borough shall be the local education authority:

*Provided*, That the council of a borough with a population of over 10,000, or of an urban district with a population of over 20,000, shall, as respects that borough or district, be the local education authority for the purpose of Part III of this act, and for that purpose as respects that borough or district the expression "local education authority" means the council of that borough or district.

### *PART II.—Higher education.*

2. (1) The local education authority shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the board of education, to supply or aid the supply of education other than elementary, and to promote the general coordination of all forms of education, and for that purpose shall apply all or so much as they deem necessary of the residue under section 1 of the local taxation (customs and excise) act, 1890, and shall carry forward for the like purpose any balance thereof which may remain unexpended, and may spend such further sums as they think fit: *Provided*, That the amount raised by the council of a county for the purpose in any year out of rates under this act shall not exceed the amount which would be produced by a rate of 2 pence in the pound, or such higher rate as the county council, with the consent of the local government board, may fix.

(2) A council in exercising their powers under this part of this act shall have regard to any existing supply of efficient schools or colleges, and to any steps already taken for the purposes of higher education under the technical instruction acts, 1889 and 1891.

3. The council of any noncounty borough or urban district shall have power as well as the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary: *Provided*, That the amount raised by the council of a noncounty borough or urban district for the purpose in any year out of rates under this act shall not exceed the amount which would be produced by a rate of one penny in the pound.

4. (1) A council in the application of money under this part of this act shall not require that any particular form of religious instruction or worship or any religious catechism or formula which is distinctive of any particular denomination shall or shall not be taught, used, or practiced in any school, college, or hostel aided but not provided by the council, and no pupil shall, on the ground of religious belief, be excluded from or placed in an inferior position in any school, college, or hostel, provided by the council, and no catechism or formula distinctive of any particular religious denomination shall be taught in any school, college, or hostel so provided, except in cases where the council, at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel otherwise than at the cost of the council: *Provided*, That in the exercise of this power no unfair preference shall be shown to any religious denomination.

(2) In a school or college receiving a grant from or maintained by a council under this part of this act:

(a) A scholar attending as a day or evening scholar shall not be required as a condition of being admitted into or remaining in the school or college to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and

(b) The times for religious worship or for any lesson on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.

### *PART III.—Elementary education.*

5. The local education authority shall throughout their area have the powers and duties of a school board and school attendance committee under the elementary education acts, 1870 to 1900, and any other acts, including local acts, and shall also be responsible for and have the control of all secular instruction in public elementary schools not provided by them, and school boards and school attendance committees shall be abolished.

6. (1) All public elementary schools provided by the local education authority shall, where the local education authority are the council of a county, have a body of managers consisting of a number of managers not exceeding four, appointed by that council, together with a number not exceeding two appointed by the minor local authority.

Where the local education authority are the council of a borough or urban district they may, if they think fit, appoint for any school provided by them a body of managers consisting of such number of managers as they may determine.

<sup>a</sup> The full text of the act was given in the Commissioner's Report for 1902, vol. 1, pp. 1018-1026. Here are repeated only parts referred to in the discussion of the new bill. The sections omitted are Part III, clauses 8-16, relating to the carrying out of the new requirements; Part IV, clauses 18-27, relating to powers of county and county borough councils not affected by the new bill and defining terms.

(2) All public elementary schools not provided by the local education authority shall, in place of the existing managers, have a body of managers consisting of a number of foundation managers not exceeding four, appointed as provided by this act, together with a number of managers not exceeding two appointed.

(a) Where the local education authority are the council of a county, one by that council and one by the minor local authority; and

(b) Where the local education authority are the council of a borough or urban district, both by that authority.

(3) Notwithstanding anything in this section—

(a) Schools may be grouped under one body of managers in manner provided by this act; and

(b) Where the local education authority consider that the circumstances of any school require a larger body of managers than that provided under this section, that authority may increase the total number of managers, so, however, that the number of each class of managers is proportionately increased.

7. (1) The local education authority shall maintain and keep efficient all public elementary schools within their area which are necessary, and have the control of all expenditure required for that purpose, other than expenditure for which, under this act, provision is to be made by the managers; but, in the case of a school not provided by them, only so long as the following conditions and provisions are complied with:

(a) The managers of the school shall carry out any directions of the local education authority as to the secular instruction to be given in the school, including any directions with respect to the number and educational qualifications of the teachers to be employed for such instruction, and for the dismissal of any teacher on educational grounds, and if the managers fail to carry out any such direction the local education authority shall, in addition to their other powers, have the power themselves to carry out the direction in question as if they were the managers; but no direction given under this provision shall be such as to interfere with reasonable facilities for religious instruction during school hours;

(b) The local education authority shall have power to inspect the school;

(c) The consent of the local education authority shall be required to the appointment of teachers, but that consent shall not be withheld except on educational grounds; and the consent of the authority shall also be required to the dismissal of a teacher unless the dismissal be on grounds connected with the giving of religious instruction in the school;

(d) The managers of the school shall provide the schoolhouse free of any charge, except for the teacher's dwelling house (if any), to the local education authority for use as a public elementary school, and shall, out of funds provided by them, keep the schoolhouse in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority: *Provided*, That such damage as the local authority consider to be due to fair wear and tear in the use of any room in the schoolhouse for the purpose of a public elementary school shall be made good by the local education authority.

(e) The managers of the school shall, if the local education authority have no suitable accommodation in schools provided by them, allow that authority to use any room in the schoolhouse out of school hours free of charge for any educational purpose, but this obligation shall not extend to more than three days in the week.

(2) The managers of a school maintained but not provided by the local education authority, in respect of the use by them of the school furniture out of school hours, and the local education authority in respect of the use by them of any room in the schoolhouse out of school hours, shall be liable to make good any damage caused to the furniture or the room, as the case may be, by reason of that use (other than damage arising from fair wear and tear), and the managers shall take care that, after the use of a room in the schoolhouse by them, the room is left in a proper condition for school purposes.

(3) If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the board of education.

(4) One of the conditions required to be fulfilled by an elementary school in order to obtain a parliamentary grant shall be that it is maintained under and complies with the provisions of this section.

(5) In public elementary schools maintained but not provided by the local education authority, assistant teachers and pupil teachers may be appointed, if it is thought fit, without reference to religious creed and denomination, and, in any case in which there are more candidates for the post of pupil teacher than there are places to be filled, the appointment shall be made by the local education authority, and they shall determine the respective qualifications of the candidates by examination or otherwise.

(6) Religious instruction given in a public elementary school not provided by the local education authority shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: *Provided*, That nothing in this subsection shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority, so far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed.

(7) The managers of a school maintained but not provided by the local education authority shall have all powers of management required for the purpose of carrying out this act, and shall (subject to the powers of the local education authority under this section) have the exclusive power of appointing and dismissing teachers.

\* \* \* \* \*

#### PART IV.—General.

17. (1) Any council having powers under this act shall establish an education committee or education committee, constituted in accordance with a scheme made by the council and approved by the board of education: *Provided*, That if a council having powers under Part II of this act determine that an education committee is unnecessary in their case, it shall not be obligatory on them to establish such a committee.

(2) All matters relating to the exercise by the council of their powers under this act, except the power of raising a rate or borrowing money, shall stand referred to the education committee, and the council, before exercising such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question. The council may also delegate to the education committee, with or without any restrictions or conditions, as they think fit, any of their powers under this act, except the power of raising a rate or borrowing money.

(3) Every such scheme shall provide—

(a) for the appointment by the council of at least a majority of the committee, and the persons so appointed shall be persons who are members of the council, unless, in the case of a county, the council shall otherwise determine;

(b) for the appointment by the council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the council acts;

(c) for the inclusion of women as well as men among the members of the committee;

(d) for the appointment, if desirable, of members of school boards existing at the time of the passing of this act as members of the first committee.

(4) Any person shall be disqualified for being a member of an education committee, who, by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the education committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college, aided, provided, or maintained by the council.

(5) Any such scheme may, for all or any purposes of this act, provide for the constitution of a separate education committee for any area within a county, or for a joint education committee for any area formed by a combination of counties, boroughs, or urban districts, or of parts thereof. In the case of any such joint committee, it shall suffice that a majority of the members are appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed.

(6) Before approving a scheme, the board of education shall take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme, and, before approving any scheme which provides for the appointment of more than one education committee, shall satisfy themselves that due regard is paid to the importance of the general coordination of all forms of education.

(7) If a scheme under this section has not been made by a council and approved by the board of education within twelve months after the passing of this act, that board may, subject to the provisions of this act, make a provisional order for the purposes for which a scheme might have been made.

(8) Any scheme for establishing an education committee of the council of any county or county borough in Wales or of the county of Monmouth or county borough of Newport shall provide that the county governing body constituted under the Welsh intermediate education act, 1889, for any such county or county borough shall cease to exist, and shall make such provision as appears necessary or expedient for the transfer of the powers, duties, property, and liabilities of any such body to the local education authority under this act, and for making the provisions of this section applicable to the exercise by the local education authority of the powers so transferred.

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1906.

- No. 1. The Education Bill of 1906 for England and Wales, as it past the House of Commons. By Anna Tolman Smith, of the Bureau of Education, pp. 39.
- No. 2. German views of American education, with particular reference to industrial development. Collated from the Reports of the Royal Prussian Industrial Commission of 1904. By Wm. N. Hallmann, Professor of the History and Philosophy of Education, Chicago Normal School, pp. 55.
- No. 3. State school systems: Legislation and judicial decisions relating to public education, October 1, 1904, to October 1, 1906. By Edward C. Elliott, Associate Professor of Education in the University of Wisconsin. (*In press.*)

DEPARTMENT OF THE INTERIOR—BUREAU OF EDUCATION.

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BULLETIN.

NO. 2, 1906.

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GERMAN VIEWS OF AMERICAN EDUCATION,  
WITH PARTICULAR REFERENCE TO  
INDUSTRIAL DEVELOPMENT.

COLLATED FROM THE REPORTS OF THE ROYAL PRUSSIAN  
INDUSTRIAL COMMISSION OF 1904.

BY

WILLIAM N. HAILMANN,

*Professor of the History and Philosophy of Education,  
Chicago Normal School.*



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1906.



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## LETTER OF TRANSMITTAL.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,

*Washington, D. C., September 20, 1906.*

SIR: I have the honor to transmit herewith the manuscript of the second number of the Bulletin of the Bureau of Education for the year 1906, and to recommend its publication under the provisions of the act approved May 28, 1896 (29 Stat. L., 171), authorizing the publication of such bulletin.

The public is generally familiar with the reports of the Mosely commission of 1903, a commission consisting of representative publicists and educators of Great Britain, who made a most interesting study of American educational conditions with special reference to their bearing upon industrial efficiency. The Royal Prussian commission, who visited this country in the year 1904, proceeded very quietly with their investigations, and their presence in this country excited comparatively little comment. The visit of this commission was, however, an international event of great significance. The reports of their observations have only recently been issued as a document of the House of Deputies of the Prussian Parliament, prepared under the direction of the minister of commerce and industry. At my request, Dr. W. N. Hailmann, of the Chicago Normal School, formerly superintendent of Indian schools of the United States, has prepared a summary of the contents of this volume, which is presented herewith.

It was no easy task to present in a bulletin of 55 pages an adequate synopsis of a quarto volume of nearly 500 pages, but Doctor Hailmann's work will, I think, be found in general a fair and discriminating summary of that document. In the interest of brevity it was found necessary to omit from consideration some very important portions of the text which deal with certain aspects of American industry rather than American education. Some objections may doubtless be raised to strictures on American schools which are cast by the members of the commission and summarized in this bulletin. It will be remembered, however, that what is presented in the several reports is mainly the impressions of the several commissioners gained in a few weeks of travel and observation in this country, a fact to which they themselves refer, in deprecating the acceptance of their reports as representing any ultimate judgment.

When all necessary deductions are made, the fact remains that these reports, prepared by highly trained and very able specialists, who view American institutions from a foreign standpoint and report their findings to their home government, can not fail to command the thoughtful consideration of Americans everywhere.

Doctor Hailmann has rearranged the matter of the report for the convenience of American readers. An analytical table of the contents of the original document, prepared by Dr. L. R. Klemm, of the Bureau of Education, appears on pages 45 to 47.

Very respectfully,

ELMER ELLSWORTH BROWN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.



## PREFACE.

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The history and purpose of the *Reiseberichte über Nordamerika* (Reports of an inspection tour in North America), of which this bulletin presents a partial synopsis, will best appear in the following statements culled from the preface of the *Reiseberichte*.

The Prussian House of Deputies, on the 4th of June, 1902, requested the Prussian Government to institute a number of measures for the promotion of the smaller industries. In compliance with this request, the minister of commerce and industry in the year 1903 sent commissioners to southern Germany, Switzerland, Austria, and England to gather data of interest and value for Prussian conditions.

In the year 1904 it was decided, on occasion of the St. Louis Exposition, to extend these studies to the United States and to appoint a suitable commission for this purpose. The majority of these commissioners left for America toward the end of August, 1904, and spent six to seven weeks in the United States.

After a short stay in New York they entered upon their studies in St. Louis. Here the extensive and rich Educational Department of the Exposition afforded a most favorable opportunity to gain a comprehensive view of the school conditions of the United States; here also the further plans for the journey were determined upon. In this it became necessary to consider chiefly the North Atlantic and northern Middle States, whose school system is most widely developed and a standard for the rest of the country.

None of the reports claim to give a final and indisputable judgment of the matters treated. They are based on impressions which German specialists gathered in six to seven weeks, in a country as large as Europe, the whole supplemented with the study of related literature.

In the several reports there will be found differing judgments on the same subject. In one will be heard more the voice of the admirer of American institutions, in another more that of the critic. Intentionally no effort was made to do away with these differences or to conceal them. Whatever may be lost thereby for the total impression of American educational institutions, as presented by the reports, will be gained in many-sidedness and impartiality. \* \* \*

Friends of our own [German] system of industrial instruction will seek in the reports chiefly suggestions by which we may be benefited. In hints in this direction the reports are not lacking. Only they must not hope to find accounts of institutions that can at once be transferred to Germany. The school system of a country is a part of its culture. It is indissolubly linked with its historic development, its economic and political condition. Thus, the American school system, too, with its superiorities and defects, is conditioned by the extremely rapid economic development of a young people, the democratic constitution of the country, its mode of settlement, the peculiar mixture of its population. In all these respects we live under essentially different conditions. If we would learn from the Americans we should try less to imitate one or another successful measure than to appropriate sound and effective ideas of organization.

It is evident from these statements that the reports, even where they deal with matters of general education, do so with constant reference to their bearing on technical instruction and industrial development. This should be steadily kept in mind in the perusal of this bulletin, lest the reports as well as the synopsis be charged unjustly with lack of comprehensiveness in the presentation of the data.

In the preparation of this bulletin, the chief purpose has been to present the impressions of the commissioners as baldly as possible, and only in so far as they touch upon matters of education in their bearing upon industrial development, in order to afford an opportunity to see ourselves in this work as others see us who know how to look and what to look for. Such a point of view is always profitable. It enables us, on the one hand, to see more clearly what there is in our work that deserves approbation and increased emphasis, and what, on the other hand, calls for revision.

Naturally, too, stress has been placed upon matters in our educational work that affect our development as an industrial nation. Merely interesting data of extraneous information have been omitted as foreign to this purpose, and detailed accounts of the organization of specific home institutions have been passed by as more completely accessible in their official publications. The steady hope has been that the matter here presented may aid us in seeking our goal more advisedly, with deeper confidence in our ability and our resources, and with increasing reliance in our dealings with others on that "American fair play that seeks success only on the basis of true merit."

The reports of the following members of the commission appear in the Reiseberichte:

- Doctor Dunker, of Berlin, industrial councilor.
- Doctor Kuypers, of Düsseldorf, city school inspector.
- H. Back, director of the Industrial School at Frankfort-on-the-Main.
- Doctor Muthesius, of Berlin, industrial councilor.
- E. Thormälen, director of the School of Industrial Art, at Magdeburg.
- Professor Schick, director of the Industrial Art School at Cassel.
- Von Czihak, of Berlin, industrial school councilor.
- Professor Götte, of Berlin, industrial councilor.
- Beckert, of Schleswig, royal industrial school councilor.
- E. Beil, director of the Hardware and Cutlery School at Schmalkalden.
- Sellentin, director of the School of Shipbuilding and Machine Construction at Kiel.
- Professor Gürtler, of Berlin, industrial councilor.
- Fukall, director of the Royal Ceramic School at Bunzlau.
- W. Oppermann, of Arnberg, industrial councilor.

## GERMAN VIEWS OF AMERICAN EDUCATION, WITH PARTICULAR REFERENCE TO INDUSTRIAL DEVELOPMENT.

### GENERAL CONSIDERATIONS.

#### I.

[From the report of Doctor Dunker.]

*Historic development.*—Doctor Dunker opens his report with a concise sketch of the historic development of the American school.

The American schools [he says] arose in response to local needs. They were from the beginning the children, not of theory, but of necessity, reflecting the political, cultural, and economic conditions of the new society which is developing beyond the sea. As the population passes out of the colonial into the national type the schools recede in character from their English models and emphasize more and more clearly distinct American features.

Education is not one of the interests assigned to the Federal Government by the Constitution of 1787. Yet the political development of the nineteenth century moved toward centralization. In the civil war the Union prevailed over State supremacy. The prodigious development of trade, the steady inland migration from State to State, the increasing accession of foreigners who wish to become Americans rather than citizens of particular States, created a new people, the wonderful uniformity of whose character became possible only thru the remarkable uniformity of land and climate. With the twentieth century, after the easy victory over old Spain, this people, still in the process of formation, assumes a character of increased solidarity with reference to other nations. \* \* \*

*National Teachers' Association.*—Parallel with this development, and because of it, preceded the development of a national American school system. Shortly before the civil war (1857), when all other questions yielded to the question of union or separation, the National Teachers' Association was founded; and, after the victory of the Union, this association was reorganized on the basis on which it now rests. It constitutes to-day a powerful bond, uniting the entire educational system of the United States. Its annual meeting in Boston in 1903 was attended by over 32,000 members, from the presidents of the highest universities down to the plain rural teachers. Its sessions, its publications, and, above all, the reports of its committees, exert a far-reaching, unifying influence from the Atlantic to the Pacific, from the Great Lakes to the mouth of the Mississippi.

*Bureau of Education.*—Immediately after the civil war there was felt, too, the need of a national central office for educational affairs. As early as 1867 this office—the Bureau of Education—was created, and a few years later it was incorporated with the Department of the Interior.

It became the duty of the new Federal office to gather statistics showing the development of educational affairs in the several States, to aid the American people in the establishment of good schools by the diffusion of information concerning the organization of schools and methods of instruction, and to serve the interests of education in every direction.

The Bureau of Education has exerted an extraordinarily stimulating influence and contributed essentially to the development of a national school system. No other educational office of the world has done so extensive a literary work as this office, especially since Dr. William T. Harris has been its head (1889). Altho there may be many things among its publications which other countries would scarcely deem it necessary to print, there is, on the other hand, scarcely an educational problem for whose discussion the hundreds of bound volumes and pamphlets do not afford important material.

*Hoisting the flag.*—The national character of the American school is further indicated by the widely diffused custom, in many instances fixed by State law, of hoisting the flag of the Union over public school buildings during periods of instruction. It is especially significant that certain Southern States that heretofore had not forgotten the civil war and the evil days of reconstruction, under the direct influence of the victory over Spain began to hoist the Stars and Stripes over their schools instead of the State flag.

*Public schools.*—The new American school is a public school, i. e., a school established by the people, maintained by the people, conducted by the people, and open to the people without payment of tuition fees. It comprises (1) the kindergarten, from the fourth to the sixth year of age; (2) the elementary school (grammar school, primary school), with an eight-year course; (3) the middle school (high school), with a four-year course; (4) the college, with a four-year course; (5) the university.

None of the schools from (1) to (4) represent a blind alley, but each is meant to prepare for the next higher grade, in accordance with the words of Huxley, much quoted in America, that "no system of public education deserves the name of a national system if it does not raise a great educational ladder which leads from the gutter to the university."

*Religious instruction.*—The public school is independent of every church. It imparts no religious instruction; it does not, even for statistical purposes, inquire into the religious belief of its pupils. In many instances, however, it is customary to hold short devotional exercises in which all the pupils take part, and which consist of moralizing addresses or readings from the Bible. Free afternoons, Saturdays, and Sundays are at the disposal of the different denominations for private religious instruction. Some churches, however, maintain also their own schools from the elementary grades to the university, competing with the public institutions; for the Americans have, indeed, the idea of compulsory education, but not that of compulsory schools.

*Private schools.*—In cultured sections, especially where the fundamental Anglo-Saxon character is strongly prominent among the people, the older form of education—the private institution—has held its place at the side of the public school, and this more particularly with reference to high school, college, and university instruction.

Here belong, first of all, the old richly endowed institutions, such as Harvard, Yale, Columbia, and some others, distinguished by their corporate character, and to which have been added in later days the magnificent university foundations of wealthy captains of industry.

Private middle schools hold their own, especially when they lay stress upon preparation for college, and when, in opposition to the increasing prevalence of coeducation in public middle schools, they instruct the sexes separately. Moreover, new institutions of this kind, partly with very high tuition fees, have been established in recent times in response to segregating tendencies in certain social circles.

*Local differences.*—Quite naturally there exist in this young country among individual schools in the same category great differences, which often are not merely quantitative. Many a small city school in Massachusetts stands on a higher plane than a college in Arizona or New Mexico, and even the middle schools of Chicago, on the one hand, and those of old centers of culture, such as Philadelphia and Boston, on the other hand, can scarcely be designated as institutions of the same rank. \* \* \*

*General culture.*—The foregoing sketch of the American school system deals only with institutions of general culture. It is an American principle that the Commonwealth has not only the right but also the duty to provide for free public education from the district school to the university; but that, on the other hand, it has not only not the duty but indeed not the right to use the means of the Commonwealth for special education of any kind. Consequently, altho this principle is more and more being set aside, the greater part of the special education of jurists, clergymen, physicians, engineers, and merchants is consigned to private institutions. But conditions are stronger than human theories; they demand professional instruction and expansion of the idea of general culture.<sup>a</sup>

*Difference between German and American schools.*—As to their general character, Doctor Dunker finds the essential difference between German and American schools in the fact that the former seek to instruct and the latter to educate. In America he finds "boards of education" and a "bureau of education," in Germany "ministers of instruction;" the German wants his children "to learn something worth while," the American "has his children educated." In the school life of Germany the

<sup>a</sup> Reiseberichte, pp. 7-10.

great educational principles are often neglected; the stress of discussion, always thoro and logical, is upon matters of organization and special method, and such discussion is confined to experts and does not reach the great mass of the people.

In America, on the other hand, all great educational problems are in a fluid condition; they are discuss in meetings, books, magazines, and newspapers, often thoroly, sometimes superficially, almost always with enthusiasm and subjective conviction. The widest public is interested in the discussions. Usually the thought itself is derived from German studies, but here it is projected into the world of things, becomes a deed, often, it is true, before it is matured. The public is pleased to see it carried out; how this is done is frequently a minor consideration. Everywhere there is credulous optimism coupled with harmless dilettanteism, everywhere high aim, liberal execution, but lack of solidity in matters of detail.

The German educational ideal of a cultivated human being, as to its import, is more easily felt than defined; it is essentially aristocratic, since it can be realized only in a few. The American educational ideal is simple, concrete, and democratic, to wit: An American citizen, healthy (in mind and body), and self-dependent in judgment and action.<sup>a</sup>

As to the general treatment of the pupils' work, Doctor Dunker says:

While with us the school frequently points out to the children the inadequacy of their work, holds them to the perfect solution of minor tasks with painful attention to all difficulties, and overwhelms them with difficulties and exceptions, the opposite practise prevails in the American school. Difficulties are avoided, mistakes past by; frequently the pupils are given great tasks whose performance would exceed their power, and the school is satisfied with a childish treatment of the subject and makes the impression upon the children that the problem has been fully solved. This results in quickness of judgment, self-confidence, superficiality, and dilettanteism (*Laienhaftigkeit*).<sup>b</sup>

*Sanitation.*—With much approval Doctor Dunker directs attention to the care given to sanitation in the construction and equipment of the schoolhouses and to instruction in hygiene. With reference to lavatories and toilet rooms he says:

I have seen nothing like these in any German school and urgently recommend their imitation. \* \* \* Habituation to a certain luxury in lavatories and toilet rooms is something which, as a people, we very much need. In America these localities are often luxuriously equipped with marble and other expensive material; and we find here again that these apartments are better kept and more respected the better their equipment.<sup>c</sup>

*Discipline.*—He also points to the gentleness of discipline, the comparative reduction of disciplinary drill, and the practical banishment of corporal punishment, ascribing these things largely to the prevalence of female teachers, for whose educational efficiency he has only words of commendation. "The word teacher," he says, "if not specially designated, is, in America, of feminine gender, and the great majority of American young people grow up under the direction of women teachers. This is only possible because of the position assigned to woman in America. \* \* \* In an evening school for special instruction in Chicago we saw a young woman of about 28 years conduct a class of 30 to 40 grown and half-grown men with masterly tact, and confest to each other afterwards that we considered this impossible in a German metropolis."<sup>d</sup> On the other hand, Doctor Dunker holds that in scientific attainments these teachers in the middle schools are often deficient. His views on coeducation will be reported under the heading "Middle schools."

*Pride in schools.*—He notes the pride of Americans in their school system and concedes its justice, but criticizes the tendency of the great majority not to admit shortcomings of that system.

That, however, there are expert critics among them who do not conceal these faults is proved by the words of the president of the Massachusetts Institute of Technology, address to a teachers' gathering at Boston: "Our schools reflect, or possibly account for, the national tendency to make a little knowledge go a great way.

<sup>a</sup> Reiseberichte, pp. 35-36.

<sup>b</sup> Ibid., pp. 39-40.

<sup>c</sup> Ibid., p. 36.

<sup>d</sup> Ibid., p. 40.



The American is alert, energetic, resourceful, and superficial. He can make a little knowledge go further than the citizen of any other country, and this lesson he has had every opportunity to learn in the school. Initiative, resourcefulness, and nervous energy were great factors in our pioneer work, and they are great factors still; but they will not endure in competition with efficient training, patient study, and exact knowledge. The pioneer epoch has past." <sup>a</sup> \* \* \*

*Patriotism.*—The American schools are pronouncedly national educational institutions. This, as already mentioned, is even externally indicated by the fact that public instruction is imparted under the shadow of the national flag. The great national anniversaries of the Declaration of Independence, of the birth of Washington and Lincoln, are celebrated with suspension of school exercises and with school festivals. The geography and history of the United States are thoroly studied in all kinds of schools, so that the pupil may learn to know and love his people and its heroes and become familiar with his country.

*Civics.*—He becomes acquainted with the institutions of public life in community, State, and Union in special courses of instruction (civics). The thought that every one is destined to take part in the conduct of State affairs and must, therefore, be familiarized early and thoroly with these institutions, is shared not only by the educators but by the whole people. Early, too, the naïve belief is inculcated that these institutions are the best in the world. <sup>b</sup>

*American optimism.*—Later on, after analyzing in some detail the attitude of the average American toward other nations, Doctor Dunker continues:

On the whole, however, the average American looks upon the European peoples as pitiable existences, weakened by old age, whose children, weary of home tyranny, flee to the bosom of the alma mater Americana, seeking bread and freedom. In the larger centers of population this view grows out of the character of the immigrants and constitutes one of the sources of American national pride. This pride rests not upon a feeling of hatred, but upon a sense of pity and superiority which is renewed daily by contact with the wretched proletariat coming from darkest Europe, and in education and modes of life far inferior to the lowest strata of native laborers. \* \* \* If we add to this the unquestionably unprecedented economic development, the absence of a political counterbalance in the new world, the easy victory over old Spain, and, finally, the freedom of motion in American politics rendered possible by the unsettled condition of the European balance of power, we can understand the proud elevation of American self-appreciation, which has its roots less in the past than in the greatness of the present, and still more in the firm belief in a greater future.

And one of the roots of this optimism is grounded in the American school, with its educational ideal of American citizenship and its device: "A bright hope in the future." <sup>c</sup>

## II.

[From the report of Doctor Kuypers.]

Doctor Kuypers, after claiming for Pestalozzi, Froebel, Herbart, and Wundt a large share of credit for the educational progress of the United States, and pointing out the fact that the American educators of to-day have studied in Germany and acknowledge themselves to be "disciples of Germany," continues as follows:

But who will guarantee that the pupil will not excel the master unless the parts are interchanged and the teacher begins to learn from the pupil. Only such reciprocal stimulation can secure true progress. It is with German and American education as with all other arts, to the old the aims of the young may sometimes seem wild and their work unfinished, nay, immature; but that the creations of the young are full of suggestion in direct touch with reality, and largely planned, can not be denied, even by the old.

On the other hand, respect for traditions, the striving for attainable ends, regard for the little things, careful study of the course of procedure, and organic perfection, have a well-tryed value in such daring new creations of youthful courage; but they are principles that impede progressive development. The solidity of the old must be joined to the eager, inventive spirit of the young, lest in time the good become antiquated, burdensome, unfit.

This thought forces itself upon the German educator on an inspection tour thru America as it does upon a representative of the old school who visits a modern exhibition of paintings, for the schools of the United States resemble in many ways such realistic pictures, largely planned but often only sketched in outline. To accept

<sup>a</sup>Proc. Nat'l Ed. Ass'n, 1908, p. 76.

<sup>b</sup>Beiseberichte, pp. 41-42.

<sup>c</sup>Ibid., p. 43.

them without criticism is impossible; to be ready with a snap judgment would be equally wrong. The visible or demonstrable "results" will often prove unsatisfactory; the aim will afford ample ground for thought.

It is less the material than the formal elements in American instruction that call for observation; the essentials lie not in the results, but in the principles. On the recognition of this fact the present report is based. \* \* \*

I have not tried to determine the extent of the results of instruction nor could I have done so. The Exposition, with its masses of exhibits, indicated clearly the principles, but could not give an idea of the results of instruction.

*Unreliability of "show work."*—In the "show work" of an exposition we never know in what way or how much the teacher has prepared the pupil or helped out in the work. Even independently done samples of work furnish no true index of the character of a school, much less of the schools of an entire country, for not the achievement of individuals but the average achievements afford data for judgment. Finally, the success of a school consists not in the achievement or result, but in the progress, in the advance over former conditions on the part of the same persons, which it is difficult to show in an exhibit. Moreover, it is impossible in such work to isolate the influence of the school from other influences.<sup>a</sup>

For these reasons Doctor Kuypers deems it necessary to supplement the impressions of the Exposition with visits to the schools themselves. This he does. Yet he refrains from expressing a judgment as to the results of instruction, because of the limited time available for such visits and the influence of personality upon such results, and confines himself to the study of the general principles and conditions which essentially determine the character of the influence of the school. Even in this he warns the reader that, inasmuch as he could visit only a limited number of schools, his judgments can not apply to American schools in general.

*Organization of schools.*—In his remarks on the organization of the public schools he agrees essentially with Doctor Dunker, laying stress on the facts that all schools, from the kindergarten to the university, are attended by all classes of people, that in all schools instruction is gratuitous, and that, except as to the colored race in the South; there is no distinction of race or nationality in the attendance. He notes, not without marks of approval, the "flexible system" of grading the pupils on the basis of attainments, the attention paid to local conditions in the work of entire schools, and the "significant democratic tendency to provide pupils with free textbooks and other school material."

*Regard for personality of pupils.*—The right of personality, which constitutes so large a factor in American life, exerts a great influence also in the school; for American methods respect to an extraordinary degree the inclinations of the young citizen. From the choice of playthings in the kindergarten to the election of studies in higher schools this fact is noticeable.<sup>b</sup>

*Appeal to sense perception.*—In the elementary school he sees this adaptation to child nature in appeals to sense perception thru the teacher's blackboard sketches rather than by means of apparatus, and still more in the utilization of the children's instincts of activity in graphic representation. "Drawing and painting are not limited to their formal cultural value as independent branches of instruction, but become in the service of all other branches a kind of childish thought expression in contents and form similar to oral and written thought utterance."

This he finds still further emphasized in "a kind of doing method," which even in purely theoretical branches claims bodily as well as mental activity, and culminates, in manual training, in the production of material objects with the help of tools.

By this method the education of hand and eye acquire equal value with mental development, and the cultivation of taste goes hand in hand with both.

This objective feature of the instruction keeps the school in touch with actual things. It assures, furthermore, a connection with the industrial and professional pursuits of later life, and renders the transition from the nursery to the school almost imperceptible. The entire school is permeated by a kind of kindergarten method.

<sup>a</sup> Reiseberichte, pp. 45-46.

<sup>b</sup> Ibid., p. 50.

*Superficiality.*—It should not be overlooked that this feature is at the same time a manifestation of a certain superficiality (*Äusserlichkeit*) that characterizes also the theoretical instruction.

The inclinations of the child, that constant criterion of the American teacher, naturally seek breadth rather than depth. The same is true of the theoretical instruction. It is stimulating and many-sided rather than thoro. It loves the concentration of subjects and the natural connection of things, and is therefore not too desirous to keep from passing over into the spheres of other occupations. The principles "from the easy to the difficult and from the simple to the complex" yield to the desire to be interesting, and often, one is tempted to say, entertaining.

Consequently, the spirit of enterprise of Young America, aspiring even more eagerly than the youth of Europe to new and great achievements, is given tasks which a systematic teacher of the Old World would introduce with a well-arranged sequence of preparatory exercises. It would miss at every step the all-sided thoroughness of work and the entire scale of formal steps (*Formalstufen*); but also, on the other hand, the reverse side, namely, ennui.

The aim is not to transmit a definite fund of knowledge, but the school would stimulate and show the way in which the young citizen can help himself in his further progress.<sup>a</sup>

*Reading.*—Doctor Kuypers accordingly points out that the use of readers with selections for discussion is gradually diminishing, that children in the eleventh year of age already use a number of special books on the different subjects of instruction, that school libraries are found even in the first year of school, that "use of the library" is prescribed in the courses of all grades, and that silent reading is carried on extensively even in the elementary school. "The pupil is to do connected reading, and, as far as possible, interpret for himself, so that he may be able later on to study successfully the books of public libraries and the newspapers."

*Training for citizenship.*—He is to become a citizen of a democratic state who is to extend his culture by his own efforts and to form his political judgments independently. \* \* \* This training for citizenship is not merely a subject for special instruction, nor merely like practise in the vernacular, an incidental aim of all other instruction as a matter of course; but this ethical education assumes also an objective form in the frequent cooperative work of groups of pupils of different grades in the same task in manual instruction, in which each one shares according to ability. Even in class instruction in the theoretical branches there is a phase of free common interest. This instruction consists more in a stimulating exchange of views than in an alternation of exposition and recital, of question and answer.

In aim and method therefore the American elementary school bears in a high degree upon actual life; the Americans want a "modern" school in the good sense of the word.<sup>b</sup>

*School open to all alike.*—Doctor Kuypers approves the fact that the elementary school is open to rich and poor alike, as a mutual spur to greater effort on the part of both, and as preventive of class hatred. He concedes that the extension of this common instruction to the fifteenth year can not but be beneficial to the great mass of the people; but he holds that for those who are to attend advanced schools it would be better if after the twelfth year the instruction were made to serve more as an introduction to advanced studies, inasmuch as now the courses of study of the last two years (seventh and eighth grades) bear more the character of finishing courses than of preparation for further school study.

*Coeducation.*—With reference to coeducation in these schools, he concedes that the moral advantages of coeducation exceed the dangers, and that the unaffected intercourse between boys and girls in the presence of others has a tendency to elevate both the masculine and feminine characteristics. He is of the opinion, however, that this should not extend beyond the twelfth year, and that after this year boys and girls require different materials and methods of instruction, except in certain branches which he does not name. Moreover, boys should be instructed after that year principally by men, altho he concedes that up to that period the educational

<sup>a</sup> *Reiseberichte*, pp. 50-51.

<sup>b</sup> *Ibid.*, p. 51.

influence of women is not inferior to that of men, and that for the lowest grades, and especially for the kindergarten, it is superior.

*Progressiveness.*—He praises highly the efforts to guard the elementary school from becoming fossilized, and to adapt it as speedily as possible to the progressive requirements of the present; but condemns as fatal the abuse of utilizing the child for making experiments in methods and branches of instruction.

*School boards.*—In the practise of placing the control of schools in the hands of lay representatives of the people he sees opportunity to adapt the school to local needs and to stimulate interest and liberality on the part of the people, but warns against the dangers of party politics and against interference on the part of such school boards with the inner management of the schools.

*Home and school.*—He praises the spirit of unity that prevails between pupils and teacher, the home and the school, but fears that it is too dearly bought "when the teacher becomes a leader who obeys the pupils," holding that, even in a democratic state, the school should be an absolute monarchy.

*Points of excellence.*—He enumerates as unqualified points of excellence in the American school system the following:

The admirable development of the kindergarten and its organic connection with the normal school and elementary schools.

The far-reaching possibility in the school organization of grading pupils with reference to attainments and without regard to age, and the practise of placing two grades or half grades in one class as a stimulus to ambition and self-reliance.

The principle of gratuitous instruction and gratuitous material of instruction (text-books, etc.).

The relatively small number of pupils in individual class rooms, in spite of the rapid growth of cities.

The education of hand and eye in manual instruction as a preparation for industrial and technical pursuits on the part of pupils who have less talent for abstract studies, and as enhancing respect for bodily labor.

The tendency, not to give a finished education, but to prepare for further self-culture after school life.

The establishment of technical schools in universities and of chairs for the pedagogy of elementary schools and high schools, with practise schools connected.

The requirement of high-school training for normal students, and the preparation of many normal teachers in higher schools and universities; the elevated and friendly spirit in normal schools; their character as experimental stations for new methods; the choice situation and equipment of normal schools, especially in their laboratories.

The touch with academic and pedagogic science afforded to actual teachers, the zeal with which elementary teachers pursue cultural studies after graduation from normal schools, and the fact that opportunity for such pursuit is provided gratuitously.

The annual official publications of the Bureau of Education concerning the status of education in the entire world.

*Defects.*—As manifest defects the following are mentioned:

The fact that compulsory education is not as yet universal, and is, in many instances, not sufficiently comprehensive where it does exist.

The fact that there is no profession of elementary teaching.

The excessive employment of women in the school service.

The inadequate preparation of a number of district school-teachers, many of whom have had no normal training.

The inadequacy of salary and social position on the part of teachers, with the exception of those of a few cities.

*Extenuation.*—In extenuation, however, he adds:

It should not be overlooked, however, that these defects, to a large extent at least, are due to transitional conditions in the development of the country.

In many sparsely settled regions a well-regulated school organization may be impossible for the present. That the desire for such organization exists is shown by the increasing number of union schools to which the children are carried at public expense, organized by groups of communities.

It is just, too, to mention the contrast of the cities that seem to have solved thruout in a praiseworthy fashion the extraordinary task of adapting the development of the schools to their unprecedented growth.

Nay, the progress of the school system must appear surprizing if we consider that America had scarcely been discovered when Luther could demand compulsory education in Germany, and that in the new country there were as yet no schools when in Europe the long struggle between the scholastics and humanists had come to an end.

If we consider this youth of the American school, the willingness and ability to bear the burden of school expenditures, the quick practical insight with which the Americans put into practise foreign educational ideas in their country, the rapid growth of the pedagogic sciences in the country itself, the unhampered work in the school and its adaptability, the further prospects for the American elementary school can appear only in a favorable light.<sup>a</sup>

### III.

[From the report of Councilor von Czihak.]

A few noteworthy additional utterances of a general character are found in the report of Councilor von Czihak.

In a short sketch of the historical development and organization of the public schools, which does not differ materially from Doctor Dunker's presentation, he emphasizes the universal predominance of Froebel's principle of "learning by doing," the increasing prevalence of high schools, the gratuity of instruction in all public schools, and the practise of coeducation.

*Appreciation of public schools.*—He criticizes the inadequacy of the compulsory school laws in conception and execution, but adds: "It would be wrong to conclude from this that the importance of public school instruction is not appreciated. On the contrary, there is in all strata of the people a firm belief in the value of this instruction, an eager desire for the best attainable school education. Politicians look upon the school as an essential factor in the social and political development of the state."<sup>b</sup>

*An organic whole.*—And, further on, he adds: "The organization of the American school system in elementary, as well as in advanced instruction, reveals a thoroly considered and logical plan. The interlocking of the various grades of school surprizes by its unity and simplicity, and excels the organizations of European civilizations certainly in the ease of connection and transition between the elementary school, the advanced schools, the professional institutions, and the university."<sup>c</sup>

*Criticisms.*—And again: "There may be foundation for the criticisms that the American school carries too many and too varied subjects of instruction; that it is in too great a hurry; that it makes too many experiments; that it is inclined more to stimulate curiosity than to foster thought; that it is built more on the work of the teacher than on that of the pupil, and that, from our standpoint, many things in its work appear as dilettanteism. Many of these things may be connected with certain national characteristics, but they do not invalidate the fact that the American school is thoroly in earnest."<sup>d</sup>

<sup>a</sup> Reiseberichte, pp. 63-64.

<sup>b</sup> Ibid., p. 186.

<sup>c</sup> Ibid., p. 187.

<sup>d</sup> Ibid., p. 188.

## THE KINDERGARTEN.

[From report of Doctor Kuypers.]

The dominant influence of Froebel in the work of American educational institutions has already been noticed. A special section is devoted to a consideration of this influence in the report of Doctor Kuypers. After a few introductory words bearing on the history of the kindergarten, he says:

At present kindergartens are found throughout the land, as public, charity, and church institutions. In very many instances they are organically connected with the elementary schools.

Thirty children are generally assigned to one kindergartner. The equipment of the kindergartens is good. A large quantity of suitable material is prepared by manufacturers.

*Kindergartners.*—The kindergartners are admirably prepared for their vocation. There are many kindergarten training schools, private and connected with normal schools and pedagogic professional schools, in which the students, in addition to theoretical instruction, are afforded opportunity for practise in kindergarten education. In their best form, the normal courses extend over two years after graduation from a high school. There are found also special supervisors for kindergartens.

The salary of kindergartners is not inferior to that of elementary teachers, altho their period of work is shorter.

*Aim.*—Inasmuch as the work of the kindergarten does not aim at instructional results, but at general educational development, the tendency to consider the interests of the child as well as actual and social life, so characteristic of American instruction in general, is most clearly shown in these institutions.

*Method.*—Suitable social occupations and games, the latter with piano accompaniment, songs and stories, above all manual activities adapted to the stage of development and with things related to child life, make of the kindergarten a large nursery (Kinderstube). They are busy with the present, they do not learn for the future. Nevertheless the childish play contains within itself the rudimentary ideas of later instruction.

This feeling of being occupied with the present, which rules the little American in the kindergarten, remains also with the older child in later school years. The kindergarten is therefore a characteristic form of American school life.

*Its influence.*—Indeed, the Froebelian principles are not limited in their influence to the kindergarten, but have brought also in the lower grades of the elementary schools a still wider application of that specifically American method of instruction which has been considered in a special section (see p. 13). In the teaching attitude, too, of the primary school the influence of the kindergarten is felt. A continuation of this kindergarten education up into the higher grades the Americans discovered in manual training at the Centennial Exposition (1876) in Philadelphia. Now Froebelian principles are found throughout the entire American school system.<sup>a</sup>

The reader is also referred here to page 15, where Doctor Kuypers commends as a point of special excellence of the American school system "the admirable development of the kindergarten and its organic connection with the normal and elementary schools."

## ELEMENTARY SCHOOLS (PRIMARY AND GRAMMAR SCHOOLS).

[From report of Doctor Kuypers.]

In addition to what has been quoted from Doctor Dunker's report concerning elementary schools, more particularly regarding sanitation and discipline (p. 11), and from Doctor Kuypers's report on organization, methods, and aims (p. 13), the following statements from Doctor Kuypers's report on subjects of instruction are of interest. The statements concerning course of study are based wholly, it seems, upon the schools of New York City.

*Course of study.*—The subjects of instruction [he reports] correspond on the whole with those of our Volksschule. The following points deserve prominence:

History is connected with civics and ethical instruction. Geography begins with the home and considers predominantly practical geographical relations. Nature

<sup>a</sup> Reiseberichte, pp. 46-47.

study is the only one of the subjects dealing with matters of practical life (Realien) carried on from the beginning of the school period. Geography appears in the fourth and history not before the fifth grade. Hygiene and temperance instruction are important subjects, but practical gymnastics receives apparently little attention. Drawing and painting are done almost exclusively from memory or from nature. Landscape drawing, too, is carried on, generally from copy, but, if feasible, also from nature.

During the first six years there is needlework (Handarbeitsunterricht) for the girls, and for the boys "constructive work," which is connected with drawing and serves as a preparation for shopwork. The two upper grades offer for the boys manual training in woodwork in the school workshop, and for the girls instruction in cooking. In these upper grades German, French, Latin, or stenography may be elected.<sup>a</sup>

Comparing the entire number of hours given to each of these several subjects during the entire elementary period in a New York City and a Prussian city school Doctor Kuypers finds as follows:

Language, history, geography, and even arithmetic claim a smaller percentage than they do with us; the technical subjects and nature study a considerably greater percentage. The chief difference is found in our religious instruction and "free study" in New York. The former, which with us takes up one-sixth of our time, is lacking in the American school. On the other hand, the "free study," including the opening exercises and the elective subjects, occupies more than one-fifth of the school hours of an American elementary pupil. This does not include the busy work, consisting chiefly of supplementary reading or written work.

The striving for the development of individuality and independence is prominent also here. At the same time it should not be overlooked that the entire number of school hours is greater with us than in America [New York City].

*Manual training.*—Manual training deserves special mention. At the time of the Philadelphia Exposition (1876) manual training entered upon its triumphal march thru the American schools, and it is still to-day the most popular subject of instruction. No other subject meets as does this the ideas of Americans concerning school education. Its highest development is found in special higher institutions—the manual-training high schools.

I abstain from describing them and from giving an account of the current course of this subject, since other members of the commission will probably treat of the subject in detail.

Nevertheless, I desire to give a short account of a course of manual training, which, in connection with the history of human culture, may give to this subject general educational value. [Doctor Kuypers refers here to the course of the Horace Mann School, of Teachers College, New York.] This course differs from the usual manual-training plan, inasmuch as the sequence of work tasks is not based on technical difficulties, but upon the successive stages of human development; for these stages reveal their character in their technical and industrial products, and the improvements in these have kept pace with the progress of culture.

Now it is proposed that the pupil familiarize himself in his school reading and thru instruction theoretically with this progress of humanity, illustrate it in drawing, and live it out in manual training. In this plan increase of difficulties naturally follows progress in ability. This manual training is, therefore, more than a mere training of hand and eye: it is the highest form of self-actively rendering matters of instruction objective<sup>b</sup> and of concentration of subjects of instruction, and becomes practically the center of all instruction. \* \* \*

On the whole, however, manual training is limited to the education of hand and eye. Since the equipment of workshops and the work itself demand considerable expense, it has become developed as shopwork mostly in the cities, where "shops" can be more extensively utilized.

In a number of cities it is obligatory in the two upper grades; in others the pupils are at least given an opportunity to learn it, either in the school itself or at a manual training center.<sup>c</sup>

<sup>a</sup> Reiseberichte, p. 54.

<sup>b</sup> The term "Veranschaulichung" is here rendered by the phrase, "rendering matters of instruction objective." Possibly the coined words "objectification" or "objectivation" might have answered the purpose.

<sup>c</sup> Reiseberichte, pp. 54-56.

## MIDDLE SCHOOLS.

[From report of Doctor Dunker.]

*Historical.*—Doctor Dunker introduces his report on the middle or high schools in their relations to commerce and industry with a historical account of their development, as a result, on the one hand, of the need of college preparatory schools (fitting schools), and on the other hand, of a demand of the "middle classes" of the people for advanced preparation for the more difficult problems of practical life (finishing schools). The former were originally organized in imitation of the "grammar schools" of England; the latter, at first, took the form of private academies.

The first American high school represented an upward development of the elementary school (Volksschule). It was maintained at public expense and charged no tuition fee. In its original plan there were neither ancient nor modern foreign languages. As a finishing school it was from the start in obvious contrast with the fitting school. It was established by the mercantile and industrial interests of a large commercial city, for whose rising generation the elementary school was no longer sufficient and the Latin school too unpractical.<sup>a</sup>

*Rapid extension.*—After the civil war, in spite of "demagogic opposition" to these "schools for the children of the rich," the high schools developed very rapidly. Yet—

In the natural course of things it came about that just where the high schools were the best there arose the wish to secure for their graduates admission to colleges. This was the necessary outcome of the principle: "No blind alleys in education." The high school was therefore compelled to take up the work of a fitting school in addition to that of a finishing school. With this the addition of instruction in foreign languages in the middle school became necessary.

*Motley courses.*—Now the colleges were as yet purely classical institutions of learning, while, at the same time, practical life was becoming increasingly complex. The attempt to satisfy the requirements of both—the college and life—resulted in high school courses of instruction of unprecedented complexity. A thousand things, from *Æschylus* to bookkeeping and surveying, were taught, naturally nothing thoroly; a mechanical patchwork of many things, but no great educational aim. But gradually there was formulated the educational ideal, namely, the American citizen.

The colleges \* \* \* adapted their requirements for admission to the new conditions and modified their courses. The same was done by the high schools. Both reflect, as in a microcosm, the complexity of the life of the people, which in a young democracy necessarily influences the schools more directly than in older States with a fixt school code prescribed by the government, a school bureaucracy, and the rigid routine of a professional body of teachers.

*Present organization.*—Out of this confusion several distinct courses were precipitated, generally three—the classical, the half classical, and the scientific—which, in their essentials, correspond with our gymnasium, real gymnasium, and real school tendencies. In all the larger middle schools these subdivisions are emphasized from grade to grade, quite rarely in fixt prescribed courses, but usually in such a way that as the pupils advance in the grades the number of obligatory subjects is reduced, while the number of elective subjects is increased correspondingly. A certain minimum of lesson periods is prescribed.

Altho this double character of the high school as a preparation for life and for college is prominent and much praised, a closer analysis of courses of study shows that in the large schools special courses are provided for those who desire to be fitted for college. Strictly, therefore, the courses intended for practical life—the noncollegiate courses—are again blind alleys. We find, therefore, not a solution of the problem, but at best mitigation of contrasts by conducting the different courses under one roof and under one director, which makes the passage from one course to the other possible and comparatively easy.

*Latin.*—In the preparation for practical life, the belief in the cultural value of Latin plays a much greater part than with us. Formerly it was the knowledge of this language that distinguished the literary man from the workman, and, with the tenacity of the parvenu in culture, many an American adheres to this idea. With the briskness peculiar to him he studies for a year, in four weekly lessons, the severe,

<sup>a</sup> Reiseberichte, p. 14.



difficult language of Rome, which demands years of devoted work. The idea is still quite prevalent that it argues extension of culture to be able to recognize a number of Latin roots in the Romanic part of the English vocabulary. The proud inscription, "Per Pacem ad Libertas," in one of the principal rooms of the Philippine exhibit at St. Louis indicates the outcome of such classical culture.

*New movements.*—In spite of this pseudo-classicism, and coupled with it, there have lately appeared in this land of contrasts wholly new movements in the middle school, viz., the introduction of manual training and commercial instruction. This represents a frontier region between general and industrial education, such as we do not possess in Germany in this extent and importance."

*Manual training.*—Doctor Dunker finds the impetus to the introduction of manual training in the Philadelphia Exposition and in the Massachusetts Institute of Technology, strengthened by the Swedish slojd and Froebelian educational ideas, as well as by a "predisposition in the character of the American people in favor of 'learning by doing.'"

After enumerating the various phases of manual training, or "education of the hand" in its widest sense, as applied to boys and girls, childhood and youth, he divides the subject, irrespective of drawing, into manual occupations for childhood, manual occupations for girls, and work in wood and metals for older boys, and continues:

This third kind of manual work has become a distinguishing peculiarity of the American middle school. It agrees thoroly with the characteristic tendency of the American toward concreteness and reacts as a determining factor in the development of the character of the American people. To what extent it is cause and in how far it is effect it is difficult to determine.

In order to prevent misunderstanding, this instruction in industrial manual work—the specifically American "manual training"—should not be confounded with the German Handfertigkeitsunterricht (instruction in manual skill). It begins where the latter ends.<sup>b</sup>

In succeeding pages he gives credit for the introduction of manual training in the American middle schools to the "indefatigable activity" of Prof. C. M. Woodward, presents an elaborate account of the organization of his school, points to the phenomenal increase in the number of public high schools that have adopted manual training (from 37 cities of over 8,000 inhabitants in 1890 to 270 such cities in 1902), and mentions the Massachusetts law, making its introduction obligatory in cities of over 20,000 inhabitants.

*Manual-training high schools.*—Furthermore, he points out that Professor Woodward's aim was not so much the mere introduction of manual training in existing schools, as the establishment of manual training high schools in which "the whole boy" is educated.

The number of such schools, mostly public, he estimates at 30, and continues:

The leaders of this movement emphasize at every opportunity that their cause is only a matter of public education; that they want simply to educate; that they are not concerned with the future calling of the pupils as engineers, physicians, lawyers, merchants, or what not. Their schools, they claim, are not trade schools, fitting for certain occupations to be subsequently followed, but institutions for general culture, partly devoted to instruction in general industrial propaedeutics.<sup>c</sup>

This, indeed, Doctor Dunker designates as the essential distinction of American manual training as contrasted with German practise, a manual training that is held to be of equal rank with literary subjects and admitted in the required minima of lessons.

As to the educational value of American manual training in the middle schools, he adds elsewhere:

This shopwork has much value for physical development and ethical education. It trains the eye and strengthens the muscles. Just at this period of development

<sup>a</sup> Reiseberichte, pp. 14-16.

<sup>b</sup> Ibid., p. 16.

<sup>c</sup> Ibid., p. 21.

and uncouthness the mingling of muscular and mental work is beneficial and guards against much that is foolish and worse.

Frequently when we met, cheerily working at the anvil or turning lathe, a class of vigorous boys to whom we had just listened in a recitation of Cicero or Schiller, or when we saw them eagerly engaged in drawing or modeling, the pleasure over their delightful creative doing was mingled with the painful feeling that they were not German youths we had before us.

In this shopwork it is not possible to slight a problem, to dismiss a difficulty with a phrase or a half-understood word. The daily dealing with material things gives a knowledge of their nature and skill in their appropriate use, in their proper handling. Thus, while shopwork inculcates a sense of truth and a respect for the nature of things, it also lays the foundation for the cultivation of artistic taste.

The manipulating of machines demands keen observation and quick and definite decision. The control of the natural force harnessed in the machine, the management of the tools and of the material give to the young man an assured feeling of mastership over the surrounding world of things, as well as confidence in himself and in the future. This feeling leaves no room for the world estrangement of papered natures, which at the same time keep timidly aloof from the world of things and haughtily look down upon manual labor. Instruction in handicraft by capable master artisans enhances, together with appreciation of manual skill, also respect for manual labor. And this attitude, which honors all decent labor, is one of the strongest supports of American greatness.

Shopwork, in accordance with a fundamental but often forgotten educational principle, rests upon the native instincts of the growing human being. Not every boy of approximately middle-school age (Tertianeralter) is inclined to scientific studies, but almost every boy has an instinctive desire to create with the hand something concrete and tangible. To direct and cultivate this instinct must be the task of a rational education. Now, the advocates of manual training have always emphasized the point that they desire, by means of this manual training, to attract to the middle school pupils that are not drawn to higher culture by literary interests. Such pupils, who are not in themselves bad or mentally deficient, but whose interest can not be reached by a one-sided school, are found in all countries. With us they are kept in the higher, almost purely literary, school by the pressure of military privileges. Beginning with Quarta [the sixth class of the gymnasium, counting from the highest class], they embarrass the classes, vex the teachers, lower the standard of instruction, and therefore that of the entire school, become overaged, and secure at best the military privilege of one year's army service. If they turn out well in some vocation in later life it is in spite of the school, not because of the school. Very often, however, they enter upon practical life morose natures, without faith in themselves and their calling, without energy, without creative ardor, irritated against the school that failed to reach them. Of the best the school can give, of the desire for progress, of the yearning for more and higher things, they have not felt a breath; their culture has come to an end, but also for effective manual work they are spoiled.

Just with such boys, lacking in literary talent or taste, the manual-training school aims to stimulate mental life with the help of the workshop. In wood and metal work, with tool and machine, they acquire skill and knowledge, which come to rest on a scientific foundation thru the close connection of the shopwork with drawing, mathematics, and physics. "It is our aim to bring thought and labor together, to make the thinker a worker and the worker a thinker. Even in manual training, the chief object is mental development and culture."<sup>a</sup>

*Laboratories.*—For similar reasons, Doctor Dunker mentions with approval the appeal to self-activity in the equipment and management of the laboratories of the middle schools in connection with instruction in chemistry, physics, and biology.

The teacher [he writes] does not confine himself to the statement of a fact and its illustration by appropriate experiment, but the pupils themselves prove the truth by their own experiment, or are led to discover the truth by experiment as something new.

Of course, this requires twice as much time, but of more importance at this point, it seems to me, than the amount of ground gone over is the manner of going over it, the stimulation and cultivation of a tendency for independent future work.

I saw a class of 44 pupils working in botany. Each pupil had a set of tools \* \* \* provided by the school, for which the pupil was responsible to the school. Each one used, with the pupil placed opposite—often of the opposite sex—a microscope.

<sup>a</sup> Reiseberichte, pp. 36-37.

They made their own preparations, examined these, exchanged their observations, drew what they had seen, and wrote a description. By this self-doing, hand and eye and the understanding are cultivated simultaneously. I believe that German middle schools in their methods rarely train their pupils similarly in scientific observation, in graphic and written expression; for what school in Germany possesses so many microscopes?<sup>a</sup>

*Commercial instruction.*—The introduction of commercial instruction is attributed by Doctor Dunker to the desire on the part of teachers to retain the pupils for a longer time in the schools. Many parents, holding that the middle school offered nothing of immediate practical value to their boys after graduation from the elementary schools, preferred to send them to some business college; and this tendency was strengthened on the part of business colleges by the publication of pamphlets and by personal agitation, warning the graduates of elementary schools against the high schools and seeking to gain them for their institutions.

In order to counteract this pressure, a number of middle schools established commercial courses, in which penmanship, typewriting, shorthand, bookkeeping, and commercial arithmetic took the place of languages, mathematics, and natural science. \* \* \* More thoughtful educators opposed this commercial instruction, which, like that of the business school, represented mere drill for commercial clerkships. Inasmuch as the commercial courses made less onerous demands upon intellectual effort than the other courses they were sought by indolent or weak pupils. In many instances, moreover, they occupied only one or two years in contrast with the other courses of the high school, which required four years. The keen observation that it is a shame "to turn clever boys into cheap clerks" correctly characterizes this procedure.

Recently, under the influence of German ideas, a number of larger cities have undertaken to establish commercial high schools, which are genuine educational institutions. The best of this kind is probably the commercial department of the Philadelphia Central High School, under the direction of Cheesman A. Herrick, the efficient pioneer in commercial high school instruction. Chicago is about to establish a similar institution, but wants first to send its city board of education to Germany.<sup>b</sup>

Here follow full accounts of the New York High School of Commerce and of the commercial courses of the Drexel Institute.

*Colleges of commerce.*—The colleges of commerce, according to Doctor Dunker, arose from the demand, on the one hand, of educators who desired to increase college attendance and to raise the people to a higher level of culture, and, on the other hand, from the idea that "the American captain of industry needs in the great tasks set for him by economic life a deeper understanding of economic, judicial, and social questions than the old college can afford him."

As leading institutions of this character, Doctor Dunker enumerates the college of commerce and administration of the University of Chicago, the Wharton school of the University of Pennsylvania, the school of commerce of the University of Wisconsin, the University of Michigan, the school of commerce of the University of California, the University of Illinois, the Amos Tuck school of Dartmouth College, and the school of commerce, accounts, and finance of New York University.

In subsequent paragraphs he outlines briefly the course of study of the Wharton school and that of the Amos Tuck school, remarks the great attention paid thruout to transportation and banking, the important position assigned to relations between employer and employee and other social problems, the insufficiency of language instruction "with a background of the politics of commerce," and the fact that the treatment of geography and colonial affairs tends to imperialism, and concludes as follows:

The preceding account indicates that in their application of German suggestions the Americans have imprinted a part of their general educational system with ideas of political economics. In details and in organization we can learn nothing of them, for the former are often inadequate and the latter is adapted to the general system

<sup>a</sup> Reiseberichte, p. 39.

<sup>b</sup> Ibid., p. 25.

of instruction of the country. But we should not forget that the Americans are energetically at work to advance consciously the interests of what they call American "expansion." In the struggle between Germany, England, and America for the world market, which will characterize the twentieth century, the prospects of victory will lie with the people that can send into this contest the greatest number of men with a free and wide outlook, with skill in organization, and the exercise of power. And whether our schools, in which the rising commercial generation of Germany seeks its culture, could not do still more for the education of such men is a question whose repeated and serious consideration should be earnestly urged.<sup>a</sup>

Additional notes of interest in Doctor Dunker's report treat of the use of text-books and of coeducation. These notes seem to apply in many points to the elementary rather than the middle schools.

*Text-books.*—A peculiar place [he writes] is occupied in the American school by the text-book. It plays a much more important part than the manual with us. It is more constraining, obscures the personality of the teacher, and renders the instruction, therefore, in a measure impersonal. Originally the value of the text-book rested on the lack of good teachers. For this reason books were written that contained in readable form just the lessons to be learned. The activity, and frequently also the ability, of the teacher was limited to the setting of tasks in the book and to the hearing of recitations. This is frequently the case even to-day; yet a combination of the text-book method with personal teaching is aimed at. In this as well as in other things necessity was made a virtue, and it is especially claimed for the text-book that the pupil must be trained to deal with printed matter free from the leading strings of the teacher—that man depends for progress in life on books and newspapers and must be trained early in their use.

There lies a truth in this, and the best outcome of the method is that an extensive and good popular scientific literature has been created, and that the text-books refer to supplementary books and recognized authorities. This certainly enables the diligent and talented pupil with a large amount of free time at his disposal, with the help of the text-book and the perusal of supplementary matter, to progress much more rapidly than his less industrious and less gifted schoolmate. If the teacher assists him in this with occasional hints, advice, and special tasks, class instruction assumes thereby somewhat of the character of individual instruction. This combination of class instruction with individual instruction is favored by the practise of instructing in most instances two divisions in the same class. The diligent and gifted pupil of the lower division is thus enabled to do also the work of the higher division—to finish the year's work in half a year—and to secure earlier promotion to a higher class. Thus a way is opened to the capable and diligent pupil. "We give the bright boy a chance" is a principle which is often quoted in the school as well as in industrial life.

Of course American text-book instruction is barred to us, but we should, nevertheless, consider ways and means to encourage independent and individual reading with our pupils. We should also not lose sight of the problem of promoting the capable pupils in accordance with their talents and inclinations. In all class instruction, particularly in Prussia, there is danger that mediocrity may crush talent. With us the average mark "sufficient" (genügend) rules in school.<sup>b</sup>

*Coeducation.*—Certain statistics with reference to coeducation are summed up as follows:

Coeducation is looked upon as a specifically American and democratic measure, and this secures its triumph in the public schools. On the other hand, the desire for the separation of the sexes on the part of parents opposed to coeducation constituted a new reason for the existence of private schools. It is reported that 95 per cent of the pupils of public middle schools and 43 per cent of those of private middle schools are educated in mixed institutions. Irrespective of all else coeducation certainly promotes innocent association between the sexes and moderates sexual tension. It is equally certain that it can bring about a salutary community of interests between the two sexes, and it would surely be better for many of the smaller cities of Germany to establish a common public high school for boys and girls, instead of a gymnasium for boys and a poor private school for girls. [See also p. 14 for Doctor Kuyper's views.]

On the whole [Doctor Dunker adds], the American "middle class" is inclined to place its sons early in business, but to let its daughters continue for a longer period in the middle school. Thus it happens that while the lower grades usually still

<sup>a</sup> Reiseberichte, p. 34.

<sup>b</sup> Ibid., pp. 38-39.

afford an example of coeducation, the higher grades present the aspect of a higher school for girls (*höhere Töchterchule*), in which a few male guests are tolerated. An even more pathetic impression is made by the isolated male students that have wandered into the normal schools.<sup>a</sup>

#### NORMAL INSTRUCTION.

[From report of Doctor Kuypers.]

*Historical.*—Doctor Kuypers in his report introduces a special section devoted to normal instruction, with a short historical note, in which he credits Horace Mann with successful efforts, due to Prussian influence, leading to the establishment at Lexington, Mass., of the first American normal school. He notices the distrust with which this innovation was received and the difficulty of finding a practise school, because of the general lack of appreciation of the fact that teachers needed preparation in the art of instruction. About the middle of the nineteenth century, however, other States followed the example of Massachusetts, and to-day, Doctor Kuypers reports, all the States of the Union have normal schools.

*Lack of trained teachers.*—He finds that altho the number of teachers trained in such schools has increased to an extraordinary extent during the past few decades, it is still very small compared with the entire number of teachers. "Even to-day the teachers of district schools as a rule have had no normal training, and a considerable number of them no special preparation of any kind."

This, without doubt, is due, he holds, to the impossibility of meeting the steadily growing need of properly trained teachers, for "that there is no longer any lack of appreciation of normal training on the part of State governments is proved by the character and equipment of the normal school buildings."

*Buildings and equipment.*—These are structures of noble style, generally erected in charming and quiet locations, spacious and excellent in taste, provided with gymnasium, assembly room, library and reading rooms, study rooms, drawing and music halls, especially equipped rooms for biology, natural history, geography, history, and, above all else, with well-constructed laboratories for physics, for chemistry, and for physiology. To these are added everywhere school kitchens and workshops for manual training. The reception and rest rooms of the students, the parlors and conference rooms of the faculty, remind one in their equipment of an elegant home rather than of an educational institution.

Classical statues, as of Venus of Milo and Apollo Belvedere, and valuable reproductions of masterpieces of ancient and modern art in every room and corridor, make of the normal school an educational institution ideally adapted to its high purpose.

Frequently dormitories and boarding houses for the students are connected with the school, choice and homelike in equipment, and respecting the privacy of occupants.<sup>b</sup>

*Characteristics.*—It is noted that these schools differ in scope and method of instruction; that they are open to all sects and to both sexes, altho practically the students are almost exclusively women; that instruction is gratuitous to residents of the State; and that, while there is a distinct effort to make the instruction exclusively professional, many of their courses still are academic.

*Used for general culture.*—As a consequence of the last point Doctor Kuypers finds that many students continue to use the normal schools for purposes of general culture, and this the more so as they are not subject to after-payment of tuition, if they fail to take up the profession. This also explains the fact that the high attendance of many normal schools, in many instances exceeding 1,000, is out of proportion with the number of trained teachers annually at the disposal of the State.

*Course of study.*—With reference to the course of study he notes that it usually extends over two years, requiring for entrance high school graduation, and directs special attention to bookkeeping and civics as subjects of instruction, also to the

<sup>a</sup> Reiseberichte, p. 41.

<sup>b</sup> Ibid., p. 57.

great prominence given to laboratory work and to independent experiments on the part of students in the several departments of natural science. As directly preparing for teaching he mentions the study of the human body, psychology, "the favorite study of the American teacher," general and special method, history of education, school management, and school laws, as well as sufficient practise in teaching in a practise school connected with the institution or placed at its disposal by the local school board.

Frequently, distinctive courses are offered for special teachers, more particularly in manual training and domestic science. Almost universally we find also a special kindergarten department, with a kindergarten connected with the practise school.<sup>a</sup>

In further elaboration he points out that "most of the large cities have their own normal schools for their local needs, and in order to afford the daughters of the city opportunity for an independent position," and that some normal schools have three and four year courses for elementary school principals, high school teachers, and school supervisors.

The élite, however [he continues], are found in post-graduate courses. These are attended by teachers who, after graduation, have improved themselves by practise and return to their alma mater. To these select classes the schools admit also others who, after graduation from a college course, wish to supplement their scientific education with pedagogic training. \* \* \*

For teachers who are engaged in work, and can not leave their positions for the purpose of advanced training, there are vacation courses, summer courses, and Saturday courses connected with the normal schools.<sup>b</sup>

*Other opportunities*.—In addition to these public normal schools Doctor Kuypers mentions private normal schools (which, however, do not confine themselves to the preparation of teachers), public and private teachers' institutes, reading circles, and summer schools of the Chautauqua type.

*Teachers*.—The teachers of normal schools he reports as being well prepared by experience and culture; in the higher positions, mostly college graduates. Also, he mentions as significant, "that the leading normal schools require for admission graduation from a four-year high school course, and that teachers of high schools usually consider a call by a normal school as a promotion and an improvement in their position."<sup>c</sup>

In a few instances he finds, also, instead of separate normal schools, normal departments in connection with higher institutions of learning.

*Normal colleges*.—For more comprehensive and more systematic, scientific, and pedagogic culture than is usually afforded by the normal school, and for the purpose of enabling teachers to secure a degree (B. A.), normal colleges of recognized rank offer courses of four to five years to graduates of high schools. By continuing their studies such students may advance to the degree of M. A., or, if their studies were related to pedagogic sciences, to that of doctor of pedagogics. \* \* \*

*Teachers' college*.—The climax of pedagogic education, however, is afforded by the teachers' college, a pedagogic professional school of university rank, with requirements for admission similar to those of academic professional schools of other faculties.<sup>a</sup>

For further remarks of Doctor Kuypers on normal schools, see page 15, under the heading of "General Considerations."

## DRAWING AND ART INSTRUCTION.

Extensive and interesting observations on the subject of drawing are found in the reports of Doctor Muthesius, Director Thormälen, Professor Schick, and Councilor v. Czihak. The following synopsis will confine itself chiefly to the presentation of the statements of these reports concerning the merits and results of the American treatment of this subject of instruction.

<sup>a</sup> Reiseberichte, p. 59.<sup>b</sup> Ibid., pp. 58-59.<sup>c</sup> Ibid., p. 61.

[From the report of Councilor v. Czihak.]

*Leading ideas.*—The leading ideas [writes Councilor v. Czihak] of American instruction in drawing [in the elementary school] are those laid down by Herbert Spencer in his work on Education. What the children, left to themselves, like to draw, is to be drawn: Things in their environment, which in size, shape, color, or motion excite their attention, life forms, utensils, animals, human beings. \* \* \* The drawing of straight, curved, and composite lines for exercise is wholly rejected by Spencer, as in general the drawing from copy. Furthermore, he places greater value upon the rendering of color impressions than upon that of outline. He lays down the principle that it is of less importance that the child produce beautiful drawings than that skill in drawing be developed. Howsoever crude and awkward their first efforts in form and color, the natural interest of the children in drawing should be encouraged. With increased experience, in the place of striking incidents, the children would of themselves gradually succeed in the better observation and truer representation of simple objects. For the first years, Spencer considers regular instruction in drawing scarcely practicable, but only encouragement in rather desultory graphic work. On the whole, he condemns the construction of a course of drawing on the basis of its elements—combinations of lines—for the same reason for which he condemns in language instruction the practise of beginning with grammatical analysis, because in instruction the abstract should never precede the concrete, nor scientific ideas experience or doing.<sup>a</sup>

On this basis, Councilor v. Czihak reports, the Prang series of text-books has been compiled in such a way that teachers will find it easy to make changes in them in accordance with local needs or their personal views. With reference to the program of this series, he concludes:

In reading [this program] one is inclined to doubt its practicability, and still more its success. These depend, indeed, upon the selection made from the abundance of dishes and the manner of serving them. In point of fact the inspection at the Exposition of the drawing books of individual pupils compelled the admission that both these things are done with skill and taste by the American drawing teachers.<sup>b</sup>

*Uniformity of treatment.*—A surprising feature in this subject of instruction is the great uniformity in its treatment from New York to California, and from the Canadian to the Mexican boundary line. Nowhere can drawing from copies be found; everywhere drawing instruction is built up on the basis of kindergarten work (so-called constructive work) on paper folding, stick laying, freehand cutting, clay modeling, weaving, and sewing, in accordance with an expanded Froebelian system. Everywhere there is drawing not only from nature and from objects, but also from memory, and even drawing from imagination; the sketching, e. g., of simple landscapes and designs is carried on, with help, it is true. This is accompanied in all grades with the development of the color sense and of the same for the values of tints and shades, of the sense for rhythm, balance, harmony, and distribution of masses. It is an instruction of exceptional efficacy in the development of taste, compared with which our drawing instruction in the elementary school [Volksschule] appears almost one sided.<sup>c</sup>

*Trifling results.*—On the other hand, he expresses still greater astonishment at finding the evidences of the influence of this drawing so slight in the work of industrial art schools, in the widely distributed dilettanteism, and in the American home.

"Either," he adds, "the current method followed in drawing [in the elementary school] has been too recently introduced to have had any influence, or it does not go deep enough in its effect, or our faith in the taste-developing force of the instruction in drawing is not justified. In any event, the United States is in this, as in so many other points, the 'land of contrasts.'"<sup>c</sup> In a subsequent paragraph he refers the beginning of the current method to the year 1888, which seems to place the burden of lack of influence upon the exceeding newness of the method.

[From the report of Doctor Muthesius.]

To this general sketch Doctor Muthesius, who reports on drawing with special reference to industrial art, adds a number of instructive supplementary items. He,

<sup>a</sup> Reiseberichte, p. 195.

<sup>b</sup> Ibid., pp. 195-196.

<sup>c</sup> Ibid., p. 193.

too, finds the beginning and basis of drawing instruction in the kindergarten, and continues:

*Fundamental principles.*—In the elementary school proper drawing instruction soon assumes a more definite form; but one point of view is never lost sight of, namely, that drawing instruction is concerned with an artistic activity. America lacks altogether those European points of view, that the children need at first, for the exercise of hand and eye, geometrical models for free-hand copying, or that, in order to become familiar with the various modes of representation, they should draw from copies. The American idea is, in the first place, to represent objects that are or have been seen, and, in the second place, as soon as possible to attempt independent artistic composition in small sketches and constructive work.

*Contrasts with European ideas.*—The old European idea that drawing and painting from nature are too difficult for the child, and that only the adult can be permitted to deal with nature—and he only after drawing from copies and dead plaster casts—has no place in America, and would be received there as a myth. Also the American children are given from the start all the means of graphic representation; they handle from the beginning brush and paints, crayon and pen. Also in this the American idea is opposed to the old European idea which considers aquarelle painting as especially difficult and to be learned only by older pupils.

*Drawing from nature.*—In the majority of American elementary schools \* \* \* drawing from nature is practised from the lowest grades on, and in this practise preference is given to plants and flowers, which are represented directly with brush and water-color. The plant is placed at some distance from the group of pupils, and these attempt to fix the general appearance of the object, partly without previous pencil sketch, in water color.

Of course, if the pupils were required to render the object correctly in these drawings, many defects would be found, especially in the lower grades. The pictures are more or less schematic; foreshortening, the foldings of leaves, etc., are usually not represented. On the other hand, the freedom with which the general impression is fixt, and the taste with which this is rendered in color, are frequently surprising.<sup>a</sup>

*Human figure.*—In subsequent paragraphs, Doctor Muthesius refers to the drawing of the human figure, which also "affords surprising indications of power of observation and pleasing instances of naïve artistic rendering;" to free sketching, from imagination and memory, relating to historical events, fairy stories, or to the representation of things previously seen. "In the upper grades there is added to these things the more accurate drawing of simple and complex objects."

*Designing.*—Running parallel with representative drawing, he finds from the start practise in designing borders, etc., based on plant forms or on motives chosen from historic ornament, together with the application of such designs in the decoration of lamp shades, book covers, etc. "In these objects one finds generally indications of very good taste, more especially in the choice of elegant and harmonious coloring." He notes also in this connection the tendency to apply the growing art appreciation of the children to various forms of manual work in leather, wood, clay, etc.

*High school instruction.*—With reference to the work of the high school, "where instruction in drawing and manual training is continued on similar lines," Doctor Muthesius makes special mention of monochromatic landscape drawing, which finds "its chief value in the cultivation of taste and in training the eye for appreciation of scenic beauty."

As connected with artistic drawing, he notes furthermore with approval "a sort of applied esthetics," in the contemplation of works of art of which small reproductions are placed in the children's hands, for discussion by the teacher and subsequent written account by the children. While he admits the doubtful character of such instruction, unless it is conducted by a teacher of artistic bept, he still considers it superior to the current art history in higher German schools, inasmuch as it deals with concrete material placed before the pupil.

*Supervision.*—He attributes the success of American instruction in drawing chiefly to its highly organized system of supervision by well-trained special teachers, and

<sup>a</sup> Reiseberichte, p. 135.



refers with much approval to the preparation of such supervisors by "the normal school for drawing teachers in Boston. This school," he adds, "furnishes a type worthy of imitation as an institution for the training of elementary and middle school teachers of technical and artistic drawing."

*Summary.*—In conclusion, Doctor Muthesius sums up his impressions in the general judgment, that "in its general spirit and principles American instruction in drawing is excellent and worthy of imitation," and adds:

The results of the instruction, too, in the lower grades exceed all expectations. In the advanced grades, however, they do not wholly accord with this auspicious beginning. While the work of the children of eight or nine years is so admirable, the pupils of fifteen or sixteen often offer correspondingly little that is satisfactory. We should expect from the pupils of the highest grades that in drawing from nature they would have the ability to see form clearly and to apprehend an object accurately. But instruction has failed to develop a disposition to see clearly; the plant drawings of the 16-year-old pupils frequently present the same schematic picture as those of the lower grades. Manifestly, this is due to the fact that instruction wholly neglects exercises in accuracy. One is forcibly reminded of the desultory method of piano instruction that plays only parlor pieces without introducing the finger exercises necessary for the systematic progress of the pupil. <sup>a</sup>

[From the report of Director Thormählen.]

In a short account of drawing in American schools, Director Thormählen agrees in his views with Doctor Muthesius, emphasizing more particularly the value of the "excellent organization" due to the system of supervision; the value of flower drawing from memory, which "best counteracts the danger of losing oneself in details;" the importance of landscape drawing, more particularly in middle schools; the fact that the drawing of ornament, on the basis of previous illustrations by the teacher, is more invention than copying and is a method that "cultivates the taste, gives the pupils an idea of the value of artistic work, and thereby a criterion for estimating the achievements of others." He also notes the striking inferiority of the results obtained in high schools as compared with the elementary schools.

[From the report of Professor Schick.]

Professor Schick supplements these statements with a discussion of the influence of J. Liberty Tadd, Arthur Dow, Denman Ross, Hugo Froelich, and Bonnie E. Snow upon the development of methods.

*J. Liberty Tadd.*—To J. Liberty Tadd he accords "the significant merit" of having first emphasized drawing from nature and from memory, but finds in the schools small indications of Tadd's advocacy of ambidextrous drawing after motives of Greek and Renaissance ornament. To his method in the drawing of ornament he concedes "a certain value in the development of manual dexterity and of the control of the hands by the will and intellect, which represents Tadd's chief purpose," but criticizes the "unquestionable loss of the finer appreciation of form which must be sacrificed in the acquisition of these external forms of skill."

*Arthur Dow.*—In Arthur Dow he recognizes a student of Japanese art principles and a successful advocate of idealism in art, who "in his instruction inverts the way ordinarily followed in art instruction."

"He [Dow] considers it wrong to begin with leading the pupil to the control of the tools of art, thru the drawing from plaster casts, perspective," etc., holding that "the essence of art lies not in the correct rendering of nature, but in beauty, which, in its turn, depends on the knowledge of the laws of composition." Professor Schick doubts, on the whole, the cogency and practicability of Dow's ideas, but concedes the value of his insistence on proportion of line and surface, and on the picturesque contrasts of light and shade in every phase of instruction in drawing, more par-

<sup>a</sup> Reiseberichte, p. 137.

ticularly in schools of industrial art, where this insistence is "of inestimable value, inasmuch as, in these, simple designs afford opportunity for easy application and clear explanation of these principles."<sup>a</sup>

With reference to the same topic, Dow's influence upon American drawing, Councilor v. Czihak writes: "It is remarkable how prominent a place the composition of landscapes occupies in American [elementary] drawing instruction. On the other hand, I note that I have not found in any art school or art academy a special class in landscape drawing, and only in one of them a few pictures of landscapes. Again, then, the land of contrasts."<sup>b</sup>

*Denman Ross.*—With reference to Denman Ross, Professor Schick limits himself to the bare mentioning of the fact that Ross is about to publish an extended work on the subject of color effects. On the other hand, Councilor v. Czihak gives a succinct account of his theory and method, states that his color theory has attained "wide reputation," and has been accepted in No. 5 of Prang's series of text-books, but refrains from further comment.

*Hugo Froelich and Bonnie E. Snow.*—Concerning Hugo Froelich and Bonnie E. Snow, Professor Schick is content to introduce them as the editors of a series of "text-books of art instruction" which "is still to be tried." He finds that these texts, among other things, partly utilize the methods of Dow and Ross; emphasizes that they begin at once with landscape presentation in color, and that, with the aid of free-hand cutting and other occupations, they succeed with manifest skill in making the first drawing instruction "a kind of play;" notes their varied and comprehensive character, and closes with the statement that "with the completion of the work the children will doubtless leave the school as finished artists—if, indeed, they do all these things as excellently as they are represented in the books themselves."<sup>c</sup>

Certain instructive remarks on the application of the above observations to German conditions are so intimately connected with industrial art that it is thought best to postpone the synopsis of this portion of Professor Schick's report to the section treating of industrial art.

[From the Report of Councilor v. Czihak.]

*Art schools.*—Councilor v. Czihak devotes a few paragraphs to art instruction. After enumerating a number of typical art academies, art schools connected with museums, art departments of universities and colleges, art departments of institutions of a polytechnic or universal character, and institutions conducted "on a business basis," he continues:

The instruction in the majority of these institutions is conducted in the conventional fashion borrowed from European art academies and art schools. Drawing and modeling from plaster casts and from the antique play a very prominent part in preparatory instruction; subsequently, drawing and modeling from life are carried on quite extensively by both sexes separately; still life, too, receives much attention. Nearly all schools have a class for portraiture, and, as a special American peculiarity, an illustration class, which is usually connected with a so-called composition class. The illustration classes are generally well attended, since illustration for the numerous magazines is a well-paid occupation and in great favor with women. Landscape painting is almost wholly absent; occasionally there is found an etching class; historical painting I have not seen.

On an average three-fourths and more of the students belong to the female sex; everywhere dilettanti constitute a considerable percentage of the pupils.

On the whole these schools do not attain the standard of our art academies, conducted by artists of reputation. Evidently they lack teachers of high standing in art and the needed art atmosphere. Persons rejected by Europe, and graduates of the institutions, frequently serve as teachers and professors. The work thruout is only mediocre. A few of these schools, in States that have no special normal art schools, train drawing teachers or utilize Saturdays for the training of such teachers.<sup>d</sup>

<sup>a</sup> Reiseberichte, p. 168.

<sup>b</sup> Ibid., p. 197.

<sup>c</sup> Ibid., p. 169.

<sup>d</sup> Ibid., p. 201.

## INDUSTRIAL ART SCHOOLS.

[From report of Doctor Muthesius.]

*Present condition of industrial art.*—With regard to the present condition of industrial art in America, Doctor Muthesius reports:

The prospect that German industrial art will at some day play a leading part in the American market is not precluded, seeing that the characteristic industrial achievements of America are as yet unpretentious and quite undeveloped. While, indeed, school instruction is laying a foundation for a certain artistic receptivity on the part of the American, the consequences of this instruction have not as yet been established in American industrial art. Furthermore, it is strikingly evident that the propitious beginnings of the transfer to America of the English industrial-art movement in Morris's time have not exerted a pervading influence. Evidently the English arts-and-crafts idea was too primitive and rustic for American feeling, so that the influence of England extends to only a small part of America's industrial product, more particularly to a certain kind of furniture, to ceramics, and to a few forms of metal work.<sup>a</sup>

On the other hand, Doctor Muthesius credits the American furniture manufacturers with ingenuity and commendable regard for comfort in the construction of rocking-chairs, lounging chairs, certain varieties of armchairs, folding furniture, lawn swings, etc., "from which the foreigner can learn much;" refers in terms of commendation to America's achievements in the treatment of art glass, in which "America has opened positively new paths, and exerted a decisive influence even upon European art in very many directions;" lauds in similar terms American typography and book manufacture as superior in taste and certain features of workmanship to German production; eulogizes the illustration of books and magazines as "possibly on a higher level than that reached by any other country," and accords highest praise to American dressmaking.

*Woman's dress.*—The American woman [he adds] is to-day without doubt the best-drest woman in the world. This is due in a large measure to the independence and high personal culture of American women. The English mode of the education of the fair sex and the universal respect for woman have been developed in America to a degree that brings to mind directly the Germanic cult of women in the middle ages. From this there has arisen a wholly free development of the character of woman, who, with clear consciousness and high estimation of her own value, knows how to secure herself in her position. As one of the manifestations of this self-reliance, we must view the feminine dress. It differs from the dress of the Parisian woman in its expression of the self-consciousness of its wearer. While the Parisian dress is determined exclusively by fashion and the dressmaker, the dress of the American woman makes the impression that she has herself aided in its fabrication, and that, at all events, her personal taste and adjustment to her corporeal and spiritual individuality have had great weight therein. While the Parisian wears her fashionable dress coquettishly, the American woman appears in hers with self-consciousness and with a personal bearing that compels respect. Her dress is less eccentric and artificial. It has as a whole more unity and is better planned than the Parisian fashionable dress. Above all it gives evidence of indisputable taste in the choice of color.<sup>b</sup>

On the whole, Doctor Muthesius deplores the fact that "with reference to industrial art the American exhibit [at Saint Louis] was less interesting and complete than those of other countries, and far below the expectations which the foreigner must necessarily bring to it."

*Machine work.*—To these statements Director Thormölen adds the following note on the character of American machine-made furniture:

This American machine work reaches out in a certain fashion toward the ideal of turning out simple, serviceable, and beautiful furniture at low cost, an ideal from which we are far removed in Germany. It is evident from the differences in the methods of work that it is not an easy matter to produce in large quantities by machinery furniture in the same forms as those made by hand. Therefore, if the

<sup>a</sup> Reiseberichte, pp. 130-131.<sup>b</sup> Ibid., p. 134.

machine work, too, is to become artistic in character the plans of the artist must be adapted to these differences in the method of production. This peculiarity of machine work by its own nature compels the artist to develop a peculiar style, and in such development the Americans are far in advance of us, while, on the other hand, they will require a long time to overtake us in hand work.<sup>a</sup>

[From report of Professor Schick.]

*Character of industrial art instruction.*—With reference to instruction bearing on industrial art, Professor Schick finds a tendency in its direction in the entire educational system of the United States. He writes:

The educational system of the United States of North America presents, like all else in this singular country, a character differing completely from ours. Its instruction is directed as much toward general culture as toward training in technical and art matters. And it not only differs from European systems, but it shows also the incongruous contrasts of high development and scarcely appreciable beginnings peculiar to every relation in the life of this country. But in one direction one great universal tendency pervades the educational work—the tendency toward the practical utility of what is learned. The amplitude and diversity of trade, the mighty development of the technical arts and of all factors depending on them, have brought it about that the whole American people is permeated by a technical spirit. And this technical spirit is revealed already in the public schools with their often magnificently equipped shops for wood and metal work, and their instruction in textile work and casting; it continues in the so-called high school, in the manual training schools, with their direct preparation for certain practical callings, up to the university. Connected with this, too, is the fact that great importance is attached to instruction in drawing, because drawing, on the one hand, is absolutely required in every technical vocation, and because, on the other hand, it affords the best foundation for the development of acuteness of vision for all external things in life. In this, too, it is significant that even the institutions that give the highest culture in drawing and in art generally, the academies, do not, as with us, pursue only the highest and ideal aims, but are essentially institutions for the training of illustrators of American journals and magazines, and are besides concerned, with few exceptions, with subjects of industrial art, such as pottery, bookbinding, and the like.

*Multiplicity of subjects in industrial art schools.*—A further peculiarity of American school organization—partly explicable from practical points of view but, perhaps, also due to the American idea that all that is practically serviceable is equally valuable and important—consists in the fact that the apparently most incongruous and disconnected subjects are found united in one and the same institution. The Pratt Institute in Brooklyn and the Drexel Institute in Philadelphia furnish in this regard the greatest examples. Thus, e. g., in the Pratt Institute, waiving university instruction, pretty much every phase of general and technical instruction from the kindergarten on is represented. And the Drexel Institute, an institution more for adults, has fourteen departments, \* \* \* as well as extensive collections, among them even a valuable collection of pictures. The universities, too, are organized very differently from ours, comprising not only the subjects current with us, but also all higher technical, agricultural, and other branches of instruction.<sup>b</sup>

*Other institutions.*—In further elucidation, Professor Schick mentions “technical schools, trade schools, and manual training schools,” established and maintained by communities, private individuals, and church organizations. “Many of these have no further purpose beyond enabling young people in a few months to secure some ever so humble position, and then thru evening instruction in the same or other schools to gain further training and to fit themselves for better positions.”

*Women as pupils and as teachers.*—As an especially striking feature of industrial schools and industrial art schools, he points to the participation of women in this work, not only as pupils but also as instructors and managers. He notes that while in Germany women are admitted as pupils by art-industrial, and even by commercial schools, the number of female pupils in American schools of art and art-industry is far greater than that of men. He is equally amazed at the great number of subjects chosen by them, finding them occupied “not only with designs for manual activities

<sup>a</sup> Reiseberichte, p. 147.

<sup>b</sup> Ibid., pp. 156-157.

adapted to women—bookbinding and the like—but also with the drafting of machines and architecture, nay even at the anvil, hammer in hand.”

He finds them playing “a wholly extraordinary part,” not only as pupils, but also as teachers; not only in schools of general culture, but also in industrial art schools and academies; not only in classes attended by women, but also in mixt classes; not only as teachers, but also as managers and directors.

*Equipment.*—He praises the equipment of these schools—naming in illustration Pratt, Drexel, and Armour institutes as instances—as “generally very good, and often decidedly splendid,” the spacious auditoriums, and especially the character and extent of the collections of art-industrial objects, and their direct connection with the schools. Concerning these collections he adds:

Altho Germany naturally has much greater wealth of art-industrial collections and treasures than America, which lacks a great and artistically rich past, and altho our art-industrial collections are frequently, at least, under the same roof with the schools, the value of such immediate connection of schools and collections—a connection extending also to their management—can not be overestimated; and we behold here again the practical sense of the American, whose primary concern is not scientific completeness and the accumulation of all material of even the least bearing on the different subjects, but above all else that the exhibits should in some fashion enhance the value of his own productions and of the instruction given. By this, however, is not meant that the American does not know how to appreciate the scientific value of collections, for whosoever has seen, e. g., the collection of musical instruments at the Metropolitan Museum must have the conviction forced upon him that only the most exalted zeal and the completest disregard of cost could call into being such a collection.<sup>a</sup>

Further on Professor Schick commends the establishment of restaurants in connection with the schools as a measure of great practical value, saving time and vigor, and bestows high praise upon the fact that not only the collection rooms, but also the class rooms and corridors are frequently decorated with the most beautiful and expensive photographs. With reference to the latter point he adds: “Even the public elementary schools enjoy such decoration, and many a German professional or industrial art school might envy such schools their costly heliogravures and photographs of Greek or Italian and the most modern French or English masterpieces of art.” He deplores, however, that German works of art are met with only exceptionally.

*Lighting.*—The equipment of the class rooms he finds excellent in character and completeness, but criticizes the lighting. In support of his criticism he adduces instances in which he saw in laterally lighted class rooms two groups of pupils working from models placed on opposite sides of the room, as well as another instance in which some thirty students were seated in a large circle around a model, so that those placed in the rear could scarcely see to work and had their model wholly in the shadow.

*Teaching force.*—With regard to the teaching force, he finds first and foremost great lack of teachers; fears that in a number of instances “the teacher himself is deficient in the most necessary requirements, either of skill or conscientiousness or teaching ability,” and expresses the opinion that “in spite of the reverence due to the fidelity, zeal, and other good qualities of the female teachers,” the strong prevalence of the fair sex in matters of instruction is not a specially profitable feature of the American organization.

Consequently he does not consider the results of instruction as being of such a character as to give to Germans cause for the fear “that we are behind the Americans in industrial instruction.” “Altho,” he continues, “there is ample reason to acknowledge that the development of manual instruction in the public schools and in special manual training schools for practically technical instruction, in which we

<sup>a</sup> Reiseberichte, p. 159.

are wholly lacking, is sound and in many respects worthy of imitation, nevertheless the specific industrial art schools or academies with art industrial instruction can not, even in their practical attainments, remotely compete with our special classes or schools for work in precious metals, pottery, forging, etc." <sup>a</sup> The same he holds to be true also with reference to instruction in drawing.

*Prospective.*—"How long," Professor Schick concludes, "the superiority of our industrial art instruction over that of the Americans will continue it is impossible to say. The extraordinary energy of the Americans, their practical sense, the well-known generosity of their rich citizens, and the wealth of the communities justify the prophecy that when once the deficiencies are recognized they will not rest until they have reached the perfection of Europe also in industrial education." <sup>b</sup>

[From report of Doctor Muthesius.]

*General criticism.*—Doctor Muthesius writes with reference to industrial art:

In contrast with the subjects heretofore considered [drawing, manual training, and trade schools] instruction in industrial art is somewhat behindhand. \* \* \* The American industrial art school is not as yet developed as such; it still bears more the character of a school of general art, to which only a few art industrial classes are appended. Now, the pursuit of instruction in general art, it is true, would not constitute a defect if it were founded substantially on technological considerations. This, however, is not the case. The course of instruction still is essentially that of an old-style art academy, in which the student, by the way of plaster casts and still life, slowly approaches nature study. It must be conceded, however, that the drawing from plaster casts is carried on in a free and sprightly fashion that is in no way pedantic, and, furthermore, that the life work connected with it is in a state of high perfection. \* \* \* In all art schools life work is considered of the greatest importance; nay, it constitutes the chief element in the instruction of every student. It is therefore no wonder that life work has reached a higher plane than in most of the German schools.

*Textile designs.*—Of strictly art industrial subjects, textile design receives occasionally some consideration, but the results are mostly mediocre, and above all there is no trace of the modern spirit that pervades to-day the English and German art industrial schools; still less does one find a continuation of the happy beginnings in flat composition and the tasteful color combination with which one has become familiar previously in the drawing of the elementary and middle schools. Nature study in the form of the drawing of plants receives more or less attention, but rarely from that standpoint of technological applicability which is in place in an art industrial school.

*Shop instruction.*—Shop instruction has scarcely entered the American art school. Only in isolated instances a few workshops are found; thus, e. g., in Chicago a fairly well attended ceramic workshop. Bookbinding, too, is found in some schools; also occasionally a class for embossing, engraving, and wood carving. On the whole, however, the workshop is an interloper of most recent date, and has not as yet by any means acquired the right of citizenship. It should, however, be emphasized that quite recently workshops have come into favor everywhere, but chiefly so far in connection with the general instruction in drawing in the middle schools. The technological spirit which in Germany prevails in the industrial art school is to be found at the present time only in the drawing and manual training of institutions of general culture. <sup>c</sup>

To this Doctor Muthesius adds at the close of his report the following instructive résumé of his impressions concerning industrial and art training, including drawing and manual training:

*Common school instruction in drawing.*—In spite of the many peculiarities of American industrial and art education, the suggestions which the European schoolman carries away with him from America are most prolific and persistent. The common school instruction in drawing was an absolute revelation. There are here hints whose value can not be minimized by anyone. The whole matter is attacked from a new point of view. While current instruction in drawing in Europe was a transferral of

<sup>a</sup> *Reiseberichte*, pp. 161-162.

<sup>b</sup> *Ibid.*, p. 171.

<sup>c</sup> *Ibid.*, pp. 140-141.

academic principles to the children's school, in which the child as an intellectual organism received but little consideration, American instruction in drawing is linked in every grade with the natural instinct of activity of the child. It rests upon an intimate study of child nature. The results correspond with this sound fundamental principle. They can not even be minimized by the observation already made that the upper classes do not wholly fulfil what the lower classes promise. It would be a worthy task for Germany to organize this fundamentally correct system of education in such a way as to eliminate the imperfections it shows here. \* \* \*

*America has opened new paths.*—Both in drawing and manual training America has opened new paths and furnished an example for the whole world. The quick apprehension on the part of an energetic and practical people under the most flourishing conditions of growth has here vindicated the value of points of view that could scarcely have found consideration in the old, learned European world, hampered by theories and prejudices. The great importance of the two subjects lies in the fact that they have to do with the foundation of technical and art education. America has here, as it were, begun at the bottom, and, in view of this fact, it does not matter so very much that higher instruction is not sufficiently developed and matured.

Perfection may be attained as soon as the general development demands it, the more so as an increasing desire for culture on the part of the people is linked with a lavishness in the employment of means and an energy in the carrying out of plans of recognized correctness which perhaps to-day are to be found in America alone.

*Industrial and art instruction being rapidly developed.*—With reference to industrial and art instruction in America the general impressions gained in a tour of inspection will also apply: One finds no really finished cultural results, one is disturbed at every step by imperfections, and yet no other country to-day affords even approximately so rich a harvest of suggestions. Here a thousand germs await future development. Everything urges forward, as yet unhampered by reactionary tendencies; the unfinished and the incomplete eagerly seek perfection. We find ourselves in the midst of the fermenting development of a still youthful people. All the deficiencies of youth are still there, but they are richly compensated by its points of excellence, by its enthusiasm, its cheering hope, the steadfast faith in its success.<sup>a</sup>

[From report of Professor Schick.]

Professor Schick closes his report with a discussion of a number of points of interest, wherein he sets forth the bearing of his observations in England and America on instruction in drawing and art industry in general, but more particularly in Germany.<sup>b</sup> A succinct synopsis of portions of this discussion is here presented:

*Drawing.*—In the first place, while he approves the abandonment "of the former exclusive drawing of solids and ornaments" in German schools of general culture, he fears that instruction has fallen into another extreme and does not sufficiently consider that in the artistic education of a people (which is the object aimed at, as well as certain practical ends), it is not enough to train the pupils in the simple and realistic representation of objects of nature, for, altho this contributes to the education of the eye and the cultivation of taste, the work of the pupil will in comparison with the work of the artist, always be deficient and bungling to a certain degree, and the pupil will not be able to attain an appreciation of truly artistic work if he lacks opportunity to compare his work with that of a real artist. He will, on the contrary, be led to consider his own defective work as artistic, and "we shall run the risk of getting results similar to those of America, i. e., superficial attainments in drawing, and the necessity, when later on strictly artistic forms are required, of beginning over again." This can hardly fail to affect all who subsequently choose an industrial or art industrial calling or architecture, thus proving an injury to many of our people, while in America a palliative for this excessive freedom in drawing is afforded in the practical work in the shop, requiring the greatest care.

*Ornament.*—He recommends, therefore, for the cultivation of hand and eye, a wider use of ornament in German elementary schools, and also the utilization of many of the points in Dow's doctrine of composition, which, however, he does not designate. He deplores the tendency to exclude the copying of good art drawings or good plastic models, considering such training indispensable in order "to learn the language

<sup>a</sup> Reiseberichte, pp. 142-143.

<sup>b</sup> Ibid., pp. 172-175.

of art," and pointing to the utterances of Da Vinci and the practise of Rubens and Lenbach in support of his position. He is confirmed in this position, too, by seeing that "not only in conservative England, but also in progressive America, this training in drawing from plaster models of ornaments and heads has been retained in art industrial schools and academies and is everywhere carried on to a certain extent." Similar remarks apply to the drawing of columns and historic ornament.

*Decoration.*—He directs attention to the neglect in America of decorative painting and the comparative lack of ornamentation, both in schools and in industrial art products, and adds: "Altho in many instances this is to be attributed to want of needed practise and sufficient skill, and not, primarily, to views and principles of art, this reduction of forms to utmost simplicity meets the taste just now current with us. The present reaction against an excess of ornamentation \* \* \* is a healthy one. For so long as we do not prefer an object that is simple, but good in fundamental shape and well constructed, to one made from inferior material and surcharged with questionable ornament, we have no claim to be considered as an esthetically cultured people." While, therefore, Professor Schick holds that the discontinuance, or, at least, the extreme restriction of decorative drawing in trade schools and industrial continuation schools would benefit industrial art, he does not admit "that its *appropriate* use is *not* justifiable and pleasing." Consequently he sees "no reason why in our industrial art schools we should adopt the American idea and allow ourselves to abstain from placing at the disposal of our pupils the resources of art for the richer and richest decoration of the most varied objects."

*Shopwork.*—With reference to shopwork in the public schools, he is so pleased with its bearing on all-sided development and with the sight of the zeal of the American boys working at the benches that he is inclined to recommend its adoption for Germany, were it not for the complete transformation of the entire school organization entailed thereby.

With reference to shopwork in industrial art schools, he maintains that the special professional instruction in most of the German classes—in fresco painting, modeling, wood carving, engraving, etc.—already bears the character of shopwork, and continues: "If we add to these our numerous technical schools for special branches of industrial art, which in America are almost wholly lacking, there is no doubt that in art-industrial workshop instruction we are not only not behind the Americans, but surpass them by far. For we have seen that art-industrial instruction, in America as well as in England, is mostly carried on as incidental instruction in academies, which is equivalent to saying that also with the worker in art industry the general artistic culture is looked upon as the more important consideration."

#### TECHNICAL COLLEGES AND OTHER ADVANCED TECHNICAL INSTITUTIONS.

[From report of Professor Götte.]

The most connected view of these institutions is contained in Professor Götte's report, which also dwells on the points of contrast with corresponding institutions in Prussia. In the term "technical colleges" he includes polytechnic institutes, schools of engineering, and other technical schools of advanced character, and contrasts these chiefly with the technical "high schools" (of university rank) and the higher and lower schools for machine construction of Prussia. In the following synopsis the chief stress is on the organization and work of the American schools.

In a few introductory paragraphs he directs attention to the share which wealthy industrial leaders and prominent men of learning had in the establishment of such schools, and gives credit to the Morrill Act of 1862 for its determining influence in their wider diffusion.

*General character.*—The majority of the American schools of this character, he reports, are not of a special character, but include also the departments of the German universities or are themselves departments of such universities. This he holds



to be due to the fact that at the time of the establishment of technical colleges the existing universities themselves had not as yet been definitely organized, to the example of England, and to certain features of the Morrill Act. Moreover, American technical schools almost all aim to be of collegiate or university rank, whereas in Germany there are three grades of school of this character, viz., the technical universities and the high and elementary mechanical schools. This difference is owing to the circumstance that at the time of their origin there was need in America of men with technical-college preparation in leading, but not as yet in subordinate, positions. "Even in later years," he adds,<sup>a</sup> "there was no special need for the establishment of schools of lower rank." Moreover, "in consequence of the extraordinary development of industry in newly opened regions of the United States, the demand for scientifically trained managing engineers has continued so brisk to the most recent days that the existing schools scarcely sufficed to supply the demand."

Other reasons why a school training was not so generally provided for subordinates he finds in the comparative feebleness of social and class distinctions, the high estimate placed on purely practical as compared with intellectual work, the consequent disposition to promote workers trained in the school of practice to higher positions in factory and office, and the prominent tendency to specialize and to standardize in machine construction, which latter served to enhance the value of practical experience and purely mechanical work.

Moreover, the need of trained material for lower positions is not felt, inasmuch as graduates of technical colleges pass thru such positions on entrance into practical life, for the purpose of initiation in practical work.

*Courses.*—As to the courses of the technical colleges in contrast with those of a Prussian school, Professor Götte selects the technical high school at Aachen. He notes "at once the following material differences:"

1. The courses of study of the technical colleges include in most instances a number of subjects of instruction which with us are disposed of in preparatory institutions, more particularly the modern languages (English, German, French), history, and lower mathematics.

2. Instruction in chemistry and the exercises connected therewith have much more time allotted to them than in Prussian institutions.

3. The same is true of exercises in the physical laboratory and in the laboratory for machine construction.

4. The courses of instruction (in American schools) include not only scientific instruction, but also "practical work" in the school workshops.<sup>b</sup>

Another sharply pronounced difference he finds in the treatment of the material of instruction, in the fact that, contrary to the expectation of the European visitor of a decided leaning to practical affairs in the technical instruction, he meets in many instances the very opposite, viz., strong emphasis upon theory and neglect of actual sketching and constructive design.

The strong emphasis upon chemistry he looks upon as a survival of the beginnings of technical instruction, "when, in consequence of lack of material in purely technical branches, there was time for such subjects of instruction," and doubts whether the mechanical engineer can derive adequate benefit from such extensive practise in qualitative and quantitative analysis.

*Mechanical laboratory and drawing.*—He notes the prominence given to work in the mechanical laboratory, but is astonished at the small number and indifferent character of the drawings made by the students in their instruction. These he declares to be in many respects inferior to the drawings found in machine shops, and is inclined to attribute these faults to the fact "that drawing and sketching in many instances are not given in connection with the corresponding lectures, but as an independent subject."

As contrasted with this insufficient treatment of drawing and designing the strong emphasis upon work in the mechanical laboratory seems to him excessive. "With

<sup>a</sup> Reiseberichte, p. 220.

<sup>b</sup> Ibid., pp. 222-223.

the current system," he adds, "they do not get out of experimenting and criticizing. Already in the lectures everything is critically examined; this is followed by criticism on the basis of experiments in the laboratory; independent productive and creative doing, as represented in designing, is scarcely ever reached."

It is sometimes maintained [he adds] that the American students by this extensive activity in experimenting at the school are trained in independence, because thereby they are enabled to create for themselves the conditions for the solution of new problems with ease and certainty; also one often hears that the American schools intentionally teach only what the students can not learn in practical life.

All this may be true to a certain extent, but it is equally true that training for independence requires not only a critical, but also a creative activity, and that practical life in the various positions affords not only opportunity for training in designing, but also in research.<sup>a</sup>

In the inferior development of American technical instruction on the constructive side he sees one of the reasons why American machinery, with the exception of tool machines, is in many instances imperfect.

*School workshop.*—As wholly lacking in the Prussian system, he designates the school workshop, which "may be an imitation of the same devices in Russia and France." He finds, however, further reason for this in the following considerations:

American machine construction is much more specialized than with us; apprenticeship in general is in many instances displaced by a system of young workers trained in a very limited specialty. But to give such a special training to a future [mechanical] engineer has no purpose whatever; on the other hand, it is repugnant to the active American to have persons loafing as volunteers (unpaid learners) in the workshop without serious occupation; in short, the American factories are in general less fitted for the practical training of future engineers than ours and, therefore, systematic training in a school workshop, altho it can not be considered ideal for the given purpose, may be preferable to volunteering in an American factory.<sup>a</sup>

He reaches, on the basis of the foregoing considerations, the conclusion that "Prussian graduates must be superior to American graduates, not only because of better preparation on entering the technical institution, but also because of the more effective formulation of the courses of study."

*Intermediate officials.*—He next discusses the adaptation of American technical colleges to the training of "intermediate officials" (machine constructors and superintendents), and reaches the conclusion that they meet these requirements to only a limited extent.

As constructor [he adds] the intermediate official must above all things be an efficient draftsman, and it can not therefore be left to practical life alone to train him in this. Furthermore, he must know and be able to compute approved forms of construction. On the other hand, it will not be his duty to engage in further research. For his training, therefore, thoro instruction in drawing and construction will be needed, while the study of higher mathematics and higher mechanics can be dispensed with and instruction in the mechanical laboratory can be reduced to a comparatively limited amount.

Similar considerations apply to the factory officials of intermediate grades. As a further requirement there enters here also sufficient practical experience, to be gained in a manufacturing establishment.

All these requirements receive only limited consideration in the courses of instruction of the technical colleges, with their strong emphasis on theory and research work, and it is evident that these schools are not particularly well adapted to the training of the intermediate technical officials.<sup>b</sup>

*Prussian organization.*—A concise sketch of what Professor Götte considers as the distinguishing characteristics in the organization of Prussian technical "high schools" (of university rank) may prove interesting. He writes:

In Prussia the difference between the organization of the technical high schools [of university rank] on the one hand and that of the middle and lower technical schools on the other hand is strictly observed.

<sup>a</sup> Reiseberichte, p. 225.

<sup>b</sup> Ibid., p. 226.

In the high schools there is freedom of teaching and learning; the young men receive their complete mental equipment for later scientific progress; the professional instruction is conceived on a large scale; they do not enter into the most minute details, but leave it to the student to avail himself also of professional literature and other material for study.

On the other hand, there prevails in the schools for machine construction compulsory attendance; the subjects of instruction are uniformly prescribed in the courses of instruction for all schools; instruction does not take the form of lectures, but is teaching (imparting of knowledge) in the strictest sense of the word thru the giving of information, question and answer; the teacher must to a certain extent incur the responsibility for the work of the pupils, and the professional instruction is directly adjusted to the needs of a future constructor of details or factory official. The constructions and drawings, therefore, are derived almost without exception from original plans, which serve as models and which are obtained from good machine shops and kept in the collections. Larger sketches are as much as possible avoided; on the other hand, the greatest stress is laid on the execution of correct workshop drawings.<sup>a</sup>

In subsequent pages he gives a full account, without further comment, of the organization and courses of study of the Massachusetts Institute of Technology, the Worcester Polytechnic Institute, the Stevens Institute of Technology, the School of Engineering of Columbia University, Sibley College, the Urbana (Ill.) College of Engineering, and the Drexel and Pratt institutes.

More favorable in many respects are the reports bearing on Technical Colleges by Councilor Beckert, Director E. Beil, and Director Sellentin.

[From report of Councilor Beckert.]

*Requirements for admission.*—Councilor Beckert, in his treatment of engineering schools of universities and colleges, first notes that while none of them require for admission graduation from a college, a number of them place their requirements so high that graduation from a high school can not satisfy them and consequently recommend previous college attendance; that most of them, however, are content with graduation from a four-years high school, and that a few of them are even more lenient.

*Character of the instruction.*—His further remarks he proposes to base on an institution which requires only graduation from a four-years high school, and continues:

But, however light the requirements may be, instruction in the fundamental sciences goes further everywhere than in the higher schools for machine construction in Prussia; everywhere in mathematics, e. g., the infinitesimal calculus is studied. On the other hand, on the theoretical side of professional instruction proper, the technical colleges probably do not come up to our schools; at any rate, this instruction is less specialized, and is limited, in the main, to motors and transmissions, for in none of the numerous courses of study examined and in none of the schools visited did the reporter find instruction in lifting and tool machines.

This deficiency in theoretical instruction is, however, amply compensated by the much stronger emphasis on experiment. The exercises in the laboratories occupy so large a place in the course of instruction that, in fact, every student has opportunity to familiarize himself thru his own experiments with the natural laws whose application is taught in the technical sciences, with the testing of construction material, with the care and testing of steam boilers, and machines of every description, and with much else.<sup>b</sup>

With reference to the method of instruction, he writes further on:

In theoretical instruction most of the institutions deviate very much from the method current in Germany. The low weekly number of lesson hours (on an average 30) indicates to how considerable an extent the independent activity of the student is utilized. This consists in the study of text-books, from which, from lesson to lesson, sections are assigned. The teacher's activity, then, consists chiefly in questioning the student as to what he has learned, in giving him practise in the solution of problems on the blackboard, and in explaining the parts not understood. This is supplemented with lectures, combined with experiments, according to the character

<sup>a</sup> Reiseberichte, p. 227.

<sup>b</sup> Ibid., p. 229.

and requirements of the subject. The instruction in the mother tongue consists largely of practise in extemporaneous speaking and in debating, and has, therefore, the purpose of preparing for public life.<sup>a</sup>

*Labor-saving devices.*—Councilor Beckert mentions with approval “the extraordinary development of helps in teaching, which save labor for the students,” such as typewritten and manifolded synopses of lectures, numerical tables, and diagrams, which save copying, also blueprints, etc.; devotes a paragraph to the advantages of distributing manifolded problems, thus avoiding “time-consuming dictation,” and another to the extended use of the stereopticon, and, more particularly, to the photographic enlargement of stereoptic views. “These facilities,” he adds, “require, however, assistants, who are employed in amazing numbers in the American schools, but are wholly lacking in ours.”

*Drawing.*—With reference to drawing, he shares to a large extent the unfavorable view of Professor Götte. “They spend too much time on preparatory exercises,” he writes,<sup>b</sup> “and in many instances use antiquated methods. In mechanical drawings the median lines are often lacking, the entering of measurements is incomplete, almost universally shading lines are used to emphasize form, and shading is still done with hatching lines. The coloring of materials is scarcely ever used.”

On the other hand, methods of work were observed that are worthy of imitation, such as drawing upon a very firm but very thin paper, which admits of the immediate production of blueprints of the original drawing; the extensive use of paper ruled in squares, facilitating and expediting the work; rapid sketching in a given time (twenty down to four minutes); sketching in axometric projection for the cultivation of the perceptive faculty; the giving out of very simple sketches of two projections of a body to be represented, from which the third projection, sections, etc., are to be derived. The model itself they merely exhibit before the student, and therefore a single model will suffice for many students. Compared with the practise in Prussia, of letting each student draw directly from the model, this means a very considerable economizing in the teaching apparatus.

He closes his report on this phase of technical instruction, without further comment, with a somewhat detailed account of laboratory exercises.

[From report of Director Sellentin.]

In his report on shipbuilding, etc., Director Sellentin devotes several paragraphs to technical instruction. On the whole he agrees with his colleagues, yet the following notes may be of interest:

*Workshop practise.*—With reference to the workshops connected with technical colleges, he writes:

The work in the school shops has the one advantage over the work in factories current with us—that the student is systematically trained and that the lectures can go hand in hand with the practical work. \* \* \* In spite of the short time [221 to 748 hours] it is possible to attain very satisfactory knowledge of work and manual skill, while the German factory students and volunteers [unpaid learners] frequently manifest an amazing ignorance of the simplest kinds of work. \* \* \*

The method, however, has the disadvantage that the student remains ignorant of the conditions under which the work must be carried on in the factories, and that he remains a stranger to intercourse with the workmen. A combination of the American and German methods—one year of shop practise in a factory before entering the school and systematic training in the school workshop during a three years' course of instruction in connection with the instruction in technology—might yield for the middle professional schools the most favorable results.<sup>c</sup>

*Laboratory practise.*—In the laboratory practise he recognizes “the best part of American technical instruction;” acknowledges the stress laid on simplicity in the experiments, exactness of measurements, and clearness of records—the record books being models of excellence; praises the completeness of equipment, and adds “that

<sup>a</sup> Reiseberichte, p. 290.

<sup>b</sup> Ibid., p. 291.

<sup>c</sup> Ibid., p. 336.

pupils on first entering the school are required to prove that they have worked in physical and chemical school laboratories, and that consequently they have already had not inconsiderable practise in observing and measuring."

*General impression.*—The general impression [he concludes] left by the inspection of American technical schools is thruout favorable. It is true one is at first inclined, from the apparently insufficient treatment of constructive branches, to conclude quite generally that the instruction in them is superficial; yet this would do injustice to the institutions. That improvement is needed in this respect has been repeatedly acknowledged by the parties concerned, and a serious effort is being made to eliminate the chief cause of this defect, viz., the appointment of teachers who are too young and inexperienced. On the other hand, the defect is not felt to be of much consequence. According to the American idea, it is the chief business of the schools to treat that side of technics which the pupil can not learn in the experience of practical life; hence the strong preference for experiment and theory by which evidently much good is accomplished. The student is not to be graduated as a finished engineer of construction, but he is to be enabled to work himself readily into the requirements of practical life on the basis of the understanding of technical processes he has acquired.

The method of instruction distinguishes the institutes of technology sharply from our superior schools; the students thruout are lookt upon and treated as pupils. Therefore they enter upon practical life without any special pretensions, whereby it becomes easier for them to work their way in. Frequently the younger graduates of technological institutes of recognized excellence are found in the positions of assistant overseers or foremen; that in the office, too, they are at first employed in the simplest tasks has already been mentioned. Reasonably intelligent and efficient young men, thanks to the desire of American firms to secure for the office above all things energetic and versatile people, can secure comparatively rapid promotion, and while at present many leading positions in the shipyards are in the hands of men who obtained their training abroad, the time may not be distant when North America will be able to meet herself her demand for shipbuilders with thoro scientific training.<sup>a</sup>

[From report of Director Beil.]

The report of Director E. Beil on iron and steel ware is of an almost purely technical nature, yet it contains some observations on American education and its influence upon industrial development which are worthy of notice.

*American experts more practical than German.*—After repeated favorable comment on American tool manufacture and machine work, on the principle of American factories to produce their wares "in only one and that the best quality" and on the "standard system," on the progressive energy and inventive genius of the American manufacturer and artizan, and on the practical spirit and "high technical intelligence" of all concerned in the work, he writes:

The American technical expert is far more practical than is the case with us on an average. Scientific pondering he leaves to future generations. His scientific training, therefore, measured by our standard, is inferior to ours. On the other hand, his technical knowledge and skill are based on a self-acquired fund of practical experience, and it is by reason of this that he accomplishes so much that is excellent in a field in which success may indeed be attained by a certain degree of scientific insight, but which demands first and last a many-sided and rich workshop experience, an eye trained in observation, and a mind accustomed to inductive thinking.

To this must be added that in America education and instruction influence practical and productive work very favorably thru the circumstance that they develop, in much higher measure than is the case with us, skill of hand and eye, which is the first requirement in industrial work. In addition, American instruction deals with the actual more intensively than ours does, inasmuch as it installs the young in amply equipped workshops and physical laboratories for effective practical work and experiment. By this they not only keep awake, in all stages of development, the interest in practical doing and respect for it, but they encourage the independent acquisition of experience, and thereby of information which takes a firmer hold than the knowledge of others transmitted orally or in writing. This trains the faculty of observation, quickens the judgment in practical things, and accustoms them early to act in the pursuit of their calling on the basis of independent thought and consequently with conviction.<sup>b</sup>

<sup>a</sup> Reiseberichte, p. 338.

<sup>b</sup> Ibid., p. 324.

[From report of Professor Gürtler.]

The report of Professor Gürtler on the textile industry and that of Doctor Pukall on ceramics contain, respectively, paragraphs on special schools devoted to these subjects, but these are almost wholly descriptive and without comment, so that their consideration may be omitted here. Nevertheless, the following remarks of Doctor Pukall on the general and industrial character of the American people may prove interesting to many readers. He writes:

*Character of American people.*—On the 20th of October we entered upon our home journey on a Hamburg-American steamer. The picture that I was able to gain in so short a time [some six or seven weeks] of American conditions was only a hasty one, but yet sufficient to dissipate within me completely the current views of America and the Americans. In place of the heartless and unfeeling band of men, eager for exploitation and running after the dollar, that was supposed to carry on its wretched business in that country, I had found an industrious, progressive, amiable, infinitely hospitable people, and—as far as I came in contact with them—of child-like harmlessness. \* \* \* At heart the American people are sound and above reproach. \* \* \* The colossal extent of his [the American's] country and an imposing nature impart to all his enterprises a grandeur which does not exist with us in the same measure. The superabundance of natural and other resources invite exploitation, utilization, and study, and lead wholly of themselves to a magnificent industry. The American loves his country with every fiber of his being, and whoever praises it is at once received as a friend. It is true he is trained to this patriotism in the first place in the school, in a measure not found among us, but in a large part it has probably grown with him in his environment. And this love for his country is not the least factor that urges him to exert all his strength in order to make it great and beautiful, rich and powerful, excelling all the world. But it is also a sober-minded, healthy, and vigorous people that this soil brings forth, and which is formed from the blending of the numerous fragments of nations that stream together here, a people wholly fitted to undertake the above-mentioned gigantic task and to accomplish it at any cost. In this sense America is, indeed, the land of unlimited possibilities. It is true in many fields it is still behind Europe. About this there exists no doubt, but when we know with what energy the people work, with what zeal they study our publications, how they shrink from no expense in order to establish and maintain schools upon schools, experimental institutions, and museums, we also know that it will not be long until they will take their place at our side, not only as equals, but, possibly, with superior power.

*German competition.*—But what shall then become of Europe, what of our little Germany, that is not even of the size of Texas, when this as yet slumbering but already on the point of awakening giant arises? Yet we, too, are a youthful people. Our task will be tenaciously to hold fast the advantage that our older culture has given us over the Americans, and not to allow ourselves to be overtaken in the race; not to sleep upon our laurels, but to be vigilant. Not "How can I make it cheaper," but "How can I make it better," must be our motto, as it is that of the American. If our realm, in comparison with that of America, is too small and the resources of our soil exhausted, we must get what we lack elsewhere; the sea affords ways enough thereto. But we must also be strong enough that they be not one day closed to us. Our science and art, instead of lingering in the dreamy paths of ideals, must actively enter the field of public economy, the work of daily life, and bring forth things of value; then shall we achieve still greater and more lasting successes than those which, to the astonishment of all nations, our industries have just attained at St. Louis. Then, for a long time, there will be no need to fear America. A trip thru the harbor of Hamburg is exceedingly quieting to one who returns from America oppressed by all sorts of doubts and fears. We are already in the fairest way of success; may we continue in it. "Our future lies on the sea."<sup>a</sup>

APPRENTICESHIP AND TRADE SCHOOLS.

[From report of Director Back.]

The report of Director H. Back deals with the training of industrial workmen. After a number of introductory paragraphs concerning the general character of American industries, in which he directs attention to the influence of machinery, the lack of efficient skilled workmen, the decay of former methods of apprenticeship, he

<sup>a</sup> Reiseberichte, pp. 416-417.

discusses the efforts of a number of the larger industrial establishments to supply the demand by new methods.

*Methods of training by industrial corporations.*—Among these he describes succinctly the methods of the Baldwin Locomotive Works, the Allis-Chalmers Company, and a few others. He finds three classes of apprentices in the Baldwin works. The first of these includes young men with elementary school training, enrolled for four years, with a graduated wage of from 5 to 11 cents per hour and a final bonus of \$125; they receive an allround practical training in machine construction by means of taking up in regular rotation the different kinds of shopwork; and, during the first three years, they attend at least twice a week a night school in which they are taught the elements of algebra and geometry and the rudiments of technical drawing.

Of the apprentices of the second class advanced elementary or high school training is demanded; they are enrolled for three years with a graduated wage of 7 to 11 cents per hour and a final bonus of \$100; during the first two years they attend a night school for technical drawing.

The third class is composed of graduates of colleges, technical schools, or scientific institutions, at least 21 years of age, and enrolled for two years of practical work, with a graduated wage of from 13 to 20 cents per hour, but without final bonus.

The results of this system he designates as satisfactory in every respect, and the same judgment applies apparently to similar systems in other large industrial works.

On the other hand, he finds that in smaller industrial concerns in the larger cities apprentices receive practically no technical training after old methods, and that this is met only in the smaller towns and in the country.

*Attitude of the trades unions toward industrial training.*—Further on, he directs attention to the inadequacy of legal provisions in a number of States, both in their requirements and in their enforcement, and to the attitude of trades unions. Among the latter he finds, on the one hand, a desire to exclude insufficiently trained workmen, and, on the other hand, a tendency to keep down the number of workers in the different trades as much as possible. Nevertheless, he holds that they are earnestly interested in the social, moral, and intellectual elevation of their members. With regard to the regulations of a number of unions he adds: "It must be recognized that these regulations, issued by the workmen, might contribute to the stimulation of apprenticeship if they were everywhere observed. It is by no means certain that the motive for the regulations of the trades unions is exclusively a pecuniary one—and I have gained the impression that it is not so; it is quite possible to connect them with the establishment of a more perfect training of apprentices." <sup>a</sup> As such desirable regulations, he quotes the clause requiring every workman to give professional instruction to the apprentices, and the one making it the duty of the foreman to see that the apprentice is trained in his calling to its full extent.

On the other hand, "it can not be denied that thru the measures taken by the unions the hands of the business proprietor who depends on them are tied in the matter of the selection of apprentices; and that, similarly, he must feel as a limitation of his liberty the rule that differences between masters and apprentices must be submitted to the executive committee of the union."

*Mechanics' institutes.*—In a subsequent section Director Back discusses institutions devoted to industrial training. He introduces this discussion with favorable mention of the Mechanics' Institutes of Cincinnati and Rochester, and adds in regard to the latter, but apparently as referring to both:

The purpose of the institution is not to teach trades, but to train the pupils to work thoughtfully and to familiarize themselves with the "why" and "wherefore" of what they do. The methods of work employed in the workshops of the school have proved effective; they have promoted the development of the institution and of the industries, as well as the success of the pupils. According to the statements of indus-

<sup>a</sup> Reiseberichte, p. 81.

trial leaders, the institute has increased the intelligence and efficiency of the working class in general, and promoted industrial, educational, and social development in the world of work. The graduates of the school are preferred to workmen trained exclusively in workshops by a master workman, because they are better prepared. They make more rapid progress and are more reliable than those who have had no technical training. Many manufacturers receive young men as apprentices only on condition that they attend the evening department of the institute. <sup>a</sup>

*Reformatories.*—With a few approving words, the “industrial schools” connected with State institutions of a reformatory character are then mentioned. The completeness of the instruction and training and the efficiency of the boys are praised. “That the instruction in these institutions has educational value appeared from the evidences of order and good conduct on the part of the boys. With even limited interest on their part, they can leave the school with effective practical ability and with the information necessary for their success in work, and become useful members of society.”

*Trade schools.*—The comments of Director Back on trade schools are based on an inspection of the New York Trade School (established by Colonel Auchmuty), the Baron de Hirsch Trade School, the Philadelphia Trade School, the Evening Trade School of Boston, and the Williamson Free School of Mechanical Trades.

The essential difference between shop instruction by a master workman [direct apprenticeship] and instruction in the workshops of a trade school is found in the fact that in the latter the execution of pieces of work is preceded by thoro explanations. These extend to tools, their handling, and the manner in which the work is to be done. The instruction is systematic, and the pupil will make progress in his calling and gain new information with every new piece of work intrusted to him, which, unfortunately, is not always—to-day even very rarely—the case in direct apprenticeship with a master workman. The pupil is kept busy exclusively with work connected with his trade, and is not interrupted by matters that are wholly foreign to it, as is frequently the case in direct apprenticeship. For this reason, the time required for learning a trade can be materially reduced in the trade school as compared with the time fixt for direct apprenticeship. <sup>b</sup>

*Manual training.*—He concludes this feature of his report with a reference to the manual training schools connected with the system of public instruction and the attention given to hand work in every department of the public schools. This, he holds, will have “an influence, that can not be overestimated, upon the future development of industry and trades in the United States.”

*Needs of Germany.*—In applying the results of his observations to the needs of Germany, he writes:

In order to enhance the achievements of German industry, the institutions for industrial instruction must, more than heretofore, make it their concern to promote industrial activity, not alone by theory and technical skill, but chiefly also in a practical direction. Auxiliary sciences and a few accomplishments aiding the manual activities of the industrial worker, such as drawing, painting, and modeling, are no longer sufficient. To teach in the schools their practical application appears to me, after my repeated observations in America, to be an urgent need. The American, with his practical sense, soon recognized that education must aim not only at intellectual development but also, and prominently, at physical alertness at the training of hand and eye. Consequently, he has taken hold of and developed in noble fashion, in his technical and general system of education, the educational methods of the old world that seemed to him most suitable, such as sloyd and workshop instruction. In this, Germany must not remain behind if she wishes to become a successful competitor in the world market.

Therefore the German workman must above all be afforded sufficient opportunity for work in the workshops of institutions for industrial instruction in order that he may become familiar, among other things, with methods for the production of technically difficult and artistically refined work, as well as sufficient practise in such production. Not only his knowledge, but also his ability to do, must be lifted to a higher level, considering the inadequate trade instruction in Germany. This requires an equipment which is lacking in many of the German institutions for trade

<sup>a</sup> Reiseberichte, p. 83.

<sup>b</sup> Ibid., p. 85.



instruction, or at least is not of the character and extent met with in the more recent trade and technical schools of the United States. As to the workshops and laboratories of these latter institutions, they are, in their equipment in machines, apparatus, and tools, as well as in regard to hygienic requirements, excellent and worthy of imitation. They offer to the workmen, who, during the day, are engaged in earning their living, frequently under quite unfavorable conditions, places of real recreation for their school work, where the very surroundings stimulate desire for and love of work.<sup>a</sup>

[Report of Councillor v. Czihak.]

Councillor von Czihak devotes a section of his report to trade schools. His presentation is almost exclusively descriptive of the organization of a number of typical institutions of this character, and contains no comments nor recommendations.

[From report of Professor Götte.]

*Trade instruction in America and Germany.*—Professor Götte in the comments of his report agrees essentially with Director Back respecting trade schools, but adds, with reference to their general organization: "Two things must be specially emphasized concerning trade schools—in the first place, the excellent character of the workshop or practical instruction; and, in the second place, that these schools in their essentials deal only with trades whose future is not threatened by factory work."<sup>b</sup>

Further on he adds:

Among Prussian institutions only the schools for special trades (Spezialfachschulen), the industrial art schools and schools for artisans (Handwerkerschulen), and the numerous recently organized courses for master workmen, can be compared with the trade schools.

The schools for special trades, which afford, besides theoretical, extended practical shop instruction, are limited to the training of workmen for the hardware and cutlery industry and for the bronze industry. On the other hand, the industrial art schools and the schools for artisans do not pay as much attention to shop instruction as is customary in the [American] trade schools, and the stress with them lies more on the art industrial than on the handicraft side of the training. The handicraft side of the training is therefore left with us more to the actual work in the various trades. That this kind of training, just as in the United States, is quite defective, can not be doubted; this is acknowledged, too, in that for many trades courses for master workmen have been organized.

These courses for master workmen, however, can not pay sufficient attention to the younger members in the trade, and in this respect we may still learn from the [American] trade schools.<sup>c</sup>

*Evening trade schools.*—With regard to evening courses for the training of workmen who can not attend instruction in the daytime, Professor Götte writes, among other things, that such training is not so well developed by far as in Germany, but also that so far as it is organized it merits praise.

It is a characteristic feature [he continues] that the courses do not contain subjects of instruction, such as the English language and arithmetic, that are treated in the elementary school, and that there is no class system that would compel a pupil to take up subjects of no interest to him. Besides courses in mathematics, natural science, mechanical drawing, electrotechnics, mechanism and mechanics (Maschinenkunde), there are also courses in "machine inspection" and in "practical work." This may be deemed additional proof of the fact that the practical training in actual shops is not thought to be sufficiently varied.

With us, in the evening and Sunday courses connected with the schools for machine construction, we have not as yet been able to rid ourselves wholly of the idea that in this, as well as in day instruction, a broad general culture is the indispensable foundation for the technical instruction. The class system has therefore been maintained thruout, which compels the pupil to pass thru the entire preparatory course before he can reach the technical instruction that interests him chiefly.

The first semesters contain mostly only German, arithmetic, mathematics, physics, and geometrical drawing. All these are subjects of instruction whose practical value

<sup>a</sup> Reiseberichte, pp. 94-95.

<sup>b</sup> Ibid., p. 228.

<sup>c</sup> Ibid., pp. 228-229.

is not sufficiently evident to the pupil, and which therefore are tedious to him; before he can reach technical instruction he is tired of the work. Moreover, it is the wish of a workman, and more particularly of an older workman, to acquire some skill in drawing, or to gain information thru an easy course of instruction concerning some definite department of machine construction, but to be spared German, arithmetic, and mathematics. This is not only comprehensible, but to a certain extent justified, the more so as at present everyone can find opportunity, even outside of the school, to perfect himself in the mother tongue and in arithmetic.

These considerations indicate that our recently planned reorganization of technical night courses in conformity with the American system is calculated to be of benefit.<sup>a</sup>

# CONCLUSION.

The Reiseberichte close with the report of Councilor Oppermann, as appendix. It contains general accounts of the journey to America, the character of American cities and of American scenery, American railroad management, American economic conditions with special reference to agriculture and the industries, the conditions of labor, the general character of the St. Louis Exposition, and the return to Germany. Aside from its general literary and scientific value it contains, however, nothing additional bearing on the interests with which this synopsis is concerned.

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- No. 1. The Education Bill of 1906 for England and Wales, as it past the House of Commons. By Anna Tolman Smith, of the Bureau of Education. pp. 48.
- No. 2. German views of American education, with particular reference to industrial development. Collated from the Reports of the Royal Prussian Industrial Commission of 1904. By Wm. N. Hailmann, Professor of the History and Philosophy of Education, Chicago Normal School. pp. 55.
- No. 3. State school systems: Legislation and judicial decisions relating to public education, October 1, 1904, to October 1, 1906. By Edward C. Elliott, Associate Professor of Education in the University of Wisconsin. pp. 156.

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- No. 1. The Continuation school in the United States. By Arthur J. Jones, Fellow in Education, Teachers College, Columbia University. pp. 157.
- No. 2. Agricultural education, including nature study and school gardens. By James Ralph Jewell, sometime Fellow of Clark University. pp. 140.
- No. 3. The auxiliary schools of Germany. By B. Maennel, Rector of Mittelschule in Halle. Translated by Fletcher Bascom Dresslar, Associate Professor of the Science and Art of Teaching in the University of California.

DEPARTMENT OF THE INTERIOR—BUREAU OF EDUCATION.

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BULLETIN.

NO. 3, 1906.

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# STATE SCHOOL SYSTEMS:

LEGISLATION AND JUDICIAL DECISIONS RELATING TO  
PUBLIC EDUCATION,

October 1, 1904, to October 1, 1906.

BY

EDWARD C. ELLIOTT,

*Professor of Education in the University of Wisconsin.*

SECOND EDITION, REVISED.



WASHINGTON

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## LETTER OF TRANSMITTAL.

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DEPARTMENT OF THE INTERIOR,  
BUREAU OF EDUCATION,  
*Washington, D. C., November 19, 1906.*

SIR: I have the honor to transmit herewith the manuscript of the third number of the Bulletin of the Bureau of Education for the year 1906, and to recommend its publication under the provisions of the act approved May 28, 1896 (29 Stat. L., 171), authorizing such publication.

This number of the Bulletin, entitled "State School Systems: Legislation and Judicial Decisions relating to Public Education, October 1, 1904, to October 1, 1906," was prepared at my request by Professor Edward C. Elliott, of the University of Wisconsin. It is intended to serve a special purpose. The legislatures of forty states will convene on or soon after the 1st day of January, 1907. In the most of these states bills will undoubtedly be introduced looking to improvements in the several state systems of education. It frequently happens that the framers and promoters of such bills, and members of the legislature who are called to vote upon them, are desirous of acquainting themselves with precedents set in the recent school legislation of other states, and may in fact derive many valuable suggestions from such legislation. It is hoped that the publication here offered will in large measure meet this need and will accordingly prove directly serviceable in the spread of improvements in our educational systems.

While serving this special and immediate purpose, it is hoped that it may prove useful in various other ways. A digest of the school laws of the several states was published by the Bureau of Education as Chapter IV of the Report of the Commissioner of Education for 1904. Professor Elliott's report brings that publication down to the present date, with a carefully compiled and classified list of all of the recent educational enactments.

Professor Elliott's work has been done at high pressure, within a few weeks' time, with a view to making this publication available for use at the time when it may be most needed. It is not unlikely, under these circumstances, that some minor errors may have crept in. The work as a whole will, however, I am sure, commend itself to

public confidence by the care and intelligence with which it has been prepared.

The following additional numbers of this Bulletin are in course of preparation:

One relating to changes in city school systems in the United States within the past two years, intended to supplement the publication here offered, in course of preparation by Professor Elliott in continuation of his work in this number;

One relating to the system of schools for backward and otherwise exceptional children in Germany, in course of preparation by Professor Fletcher B. Dresslar, of the University of California;

One relating to instruction in music in the United States, in course of preparation by Professor Arthur L. Manchester, of Converse College, Spartanburg, South Carolina.

I have the honor to be, sir, very respectfully,

ELMER ELLSWORTH BROWN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

## PREFATORY NOTE.

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The following work, relating to current educational legislation in the United States as generally affecting state school systems, was undertaken at the instance of the Commissioner of Education of the United States, Dr. Elmer Ellsworth Brown. The plan as outlined by him contemplates two publications, of which this is the first. The second will be devoted exclusively to legislation, state and local, enacted during the past two years, bearing directly upon the organization and administration of the school systems of American cities.

The work of preparation of the present number has been carried forward principally in the Law Division of the National Library at Washington, and in the Wisconsin State Library and the Law Library of the University of Wisconsin, at Madison. To the members of the staff of each of these libraries I am indebted in the largest measure for their continued and courteous assistance in placing the necessary facilities at my disposal. Dr. Charles McCarthy, Librarian of the Wisconsin Legislative Reference Library, has by his advice and helpfulness furthered in many ways the progress of my task. Thru him also I have received valuable assistance from Dr. Robert H. Whitten, Sociology Librarian of the New York State Library. I am indebted to the carefully prepared and serviceable legislative bulletins of the New York State Department of Education for many valuable suggestions. Mr. J. F. Scott has rendered much timely and valuable aid in the correction of the manuscript and proofs.

With but one or two exceptions the various state superintendents of public instruction, or the corresponding state educational officers, have responded to a request for information regarding the character and importance of the legislation enacted in their several states during the period under consideration. The assistance of these officers has added much to the value and quality of the results I have attempted to set forth, and I take this opportunity of expressing my appreciation of such assistance.

Thruout, the spirit of hearty cooperation, characteristic of the attitude of all those upon whom I have had to depend, and especially so of the various members of the staff of the Bureau of Education, has contributed to make my work far less arduous and far more profitable than it otherwise would have been.

In spite of the care in preparation, a piece of work of this kind contains possibly some minor errors. For these, and perhaps larger ones, I alone am responsible.

EDWARD C. ELLIOTT.

WASHINGTON, D. C., *November 8, 1906.*



# STATE SCHOOL SYSTEMS: LEGISLATION AND JUDICIAL DECISIONS RELATING TO PUBLIC EDUCATION, OCTOBER 1, 1904, TO OCTOBER 1, 1906.

## GENERAL EXPLANATIONS.

*Scope and Plan.*—In the following pages an attempt has been made to classify and to analyze the changes wrought in the public school systems of the various states and territories by the legislative measures enacted during the past two years, October 1, 1904, to October 1, 1906.

Legislative sessions are biennial in all of the states and territories except in Georgia, Massachusetts, New Jersey, New York, Rhode Island, and South Carolina, where they are annual, and in Alabama, where they are quadrennial. Consequently, the period selected includes the enactments of one session of the legislature in most of the states and all of the territories, and of two sessions in the case of the states holding annual sessions. In addition, the acts of extra legislative sessions held in several of the states have been examined for measures relative to the public school system. Alabama<sup>a</sup> is the only state or territory excluded from consideration by this mode of treatment.

The following table displays the time of meeting of those legislatures the enactments of which have been presented:

*Table of legislative sessions, October 1, 1904, to October 1, 1906.*

States and Territories.	Time of session.	States and Territories.	Time of session.
Arizona .....	Jan. 16, 1905, to Mar. 16, 1905	Georgia <sup>b</sup> .....	{ June 28, 1905, to Aug. 18, 1906
Arkansas .....	Jan. 2, 1905, to May 4, 1905	Idaho .....	{ June 27, 1906, to Aug. —, 1906
California .....	Jan. 2, 1905, to Mar. 10, 1905	Illinois .....	{ Jan. 2, 1905, to Mar. 4, 1905
Colorado .....	June 2, 1906, to June 12, 1906	Indiana .....	{ Jan. 4, 1905, to Mar. 6, 1905
Connecticut .....	Jan. 4, 1905, to Apr. 8, 1905	Iowa .....	{ Apr. 10, 1906, to May 16, 1906
Delaware .....	Jan. 4, 1905, to July 19, 1905	Kansas .....	{ Jan. 5, 1905, to Mar. 9, 1905
Florida .....	Dec. 29, 1904, to Dec. 30, 1904	Kentucky .....	{ Jan. 8, 1905, to Apr. 6, 1905
	Jan. 3, 1905, to Mar. 23, 1905		{ Jan. 10, 1905, to Mar. 10, 1905
	May 31, 1906, to June 14, 1906		{ Jan. 12, 1905, to Feb. 10, 1905
	Apr. 4, 1905, to June 2, 1905		{ Jan. 2, 1906, to Mar. 13, 1906

<sup>a</sup> The last session of the legislature in Alabama was held in 1903. The next session will take place in 1907.

<sup>b</sup> The enactments of the 1906 session of the Georgia legislature have been excluded, owing to delay in printing.



*Table of legislative sessions, October 1, 1904, to October 1, 1906—Continued.*

States and Territories.	Time of session.	States and Territories.	Time of session.
Louisiana .....	May 14, 1906, to July 12, 1906	Oregon .....	Jan. 9, 1905, to Feb. 17, 1905
Maine .....	Jan. 4, 1906, to Mar. 24, 1906	Pennsylvania .....	{Jan. 3, 1905, to Apr. 13, 1905
Maryland .....	Jan. 3, 1906, to Apr. 2, 1906	{Jan. 15, 1906, to Feb. 15, 1906	
Massachusetts .....	{Jan. 4, 1905, to May 26, 1905	{Nov. 15, 1904, to Nov. 18, 1904	
{Jan. 3, 1906, to June 29, 1906		Rhode Island .....	{Jan. 3, 1905, to May 11, 1905
Michigan .....	Jan. 4, 1905, to June 17, 1906	{Jan. 2, 1906, to Apr. 20, 1906	
Minnesota .....	Jan. 3, 1905, to Apr. 18, 1905	South Carolina .....	{Jan. 10, 1906, to Feb. 18, 1906
Mississippi .....	Jan. 2, 1906, to Apr. 21, 1906	{Jan. 9, 1906, to Feb. 17, 1906	
Missouri .....	Jan. 4, 1905, to Mar. 18, 1906	South Dakota .....	{Jan. 3, 1905, to Mar. 8, 1905
Montana .....	Jan. 2, 1905, to Mar. 2, 1905	Tennessee .....	{Jan. 2, 1905, to Apr. 17, 1905
Nebraska .....	Jan. 3, 1906, to Mar. 30, 1906	{Jan. 10, 1905, to Apr. 15, 1905	
Nevada .....	Jan. 16, 1905, to Mar. 14, 1905	Texas .....	{Apr. 15, 1905, to May 14, 1905
New Hampshire .....	Jan. 4, 1905, to Mar. 10, 1905	{Mar. 26, 1906, to Apr. 8, 1906	
New Jersey .....	{Jan. 10, 1906, to Mar. 30, 1906	Utah .....	{Jan. 9, 1905, to Mar. 9, 1905
New Mexico .....	{Jan. 9, 1906, to Apr. 12, 1906	Vermont .....	{Oct. 5, 1904, to Dec. 10, 1904
{Jan. 16, 1905, to Mar. 10, 1905		Virginia .....	{Jan. 10, 1906, to Mar. 15, 1906
{Jan. 4, 1905, to May 5, 1905		Washington .....	{Jan. 9, 1905, to Mar. 9, 1905
New York .....	{June 21, 1905, to July 20, 1905	West Virginia .....	{Jan. 11, 1905, to Feb. 25, 1905
{Jan. 3, 1906, to May 3, 1906		{Feb. 25, 1906, to Mar. 1, 1905	
North Carolina .....	Jan. 4, 1906, to Mar. 6, 1905	Wisconsin .....	{Jan. 11, 1905, to June 21, 1905
North Dakota .....	Jan. 3, 1905, to Mar. 3, 1905	{Dec. 4, 1905, to Dec. 19, 1905	
Ohio .....	Jan. 1, 1906, to Apr. 2, 1906	Wyoming .....	{Jan. 10, 1905, to Feb. 18, 1905
Oklahoma .....	Jan. 10, 1905, to Mar. 10, 1905		

To accomplish the purposes for which the bulletin is immediately intended in as direct and brief a manner as possible, laws and acts of the following specific character pertaining to state school systems are included:

(1) All general, permanent laws, whether new enactments or amendments to general, permanent laws already in force.

(2) Constitutional amendments, adopted or proposed, whether general or local in their effect.

(3) Laws resulting in significant changes in the organization and administration of public education in the larger and more important cities of each state,<sup>a</sup> even when general in form and special in application; provisions of new municipal charters and amendments to existing charters.

(4) Laws authorizing special appropriation for the establishment of a new educational institution or class of institutions, and extraordinary appropriations of great general interest.

(5) Laws relating to the general administration, control, and management of particular state educational institutions.

(6) Laws the constitutionality of which has been past upon during the biennium.

(7) Decisions and interpretations by the highest state courts relating to laws enacted during the biennium 1904-6.

<sup>a</sup> Such laws are, however, merely classified and digested in the briefest possible manner. They have been reserved for complete analysis and treatment in a later bulletin dealing with city school systems, which is in preparation and soon to be issued.

The following classes of legislation have been excluded from consideration:

- (1) Laws providing for general appropriations.
- (2) Special acts relating to particular individuals or minor localities.
- (3) Special and temporary acts, unless of more than local or transitory concern.\*
- (4) Federal and local legislation relating to education in the District of Columbia, Alaska, Hawaii, Porto Rico, Philippine Islands, and other insular possessions.

In addition to the legislation above noted, there have been included as supplementary to the principal purpose of the publication a few of the recent decisions of the different state supreme courts upon matters of current interest to those engaged in the work of public education.

*Method of Presentation.*—The aim has been to present in a concise and serviceable manner the meaning and contents of each particular enactment, classified in accordance with the writer's best judgment. As a general thing but one entry has been made for each of those laws treating of but one particular topic or title. Frequently, where an enactment possesses a relation to two subjects according to the scheme of classification, a method of cross reference has been resorted to. Thus, for example, enactment No. 300 (Georgia—act No. 159) contains two important topics, the creation and organization of local school districts and the limitations upon taxation for school purposes. In order to classify properly, reference is made not only to local taxation but also to school districts. (See enactment No. 155.)

In a number of cases wherein a single law treats of a number of diverse subjects or titles, or wherein the amendments to the educational code are grouped together in a single act or chapter, an effort has been made to distribute the particular portions of such measures so that the alterations produced in different directions would be evident. Such distribution has been indicated in an appropriate manner, either by indicating a particular section of an individual chapter or act, or otherwise.

Each law or separate title has been treated in one of three ways:

- (1) Unimportant new laws and amendments have been indicated as briefly as possible by title or otherwise. Where the title of the bill presents its import in a clear and concise manner it has been used,

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\* For instance, the appointment of the Commission on Industrial and Technical Education authorized by the Massachusetts legislature in 1905. (See No. 621, p. 109.)

sometimes by quotation and at others by such modifications of the wording as would convey its significance in the best possible manner.

(2) Frequently, and especially in the case of amendments to existing statutes, besides reference to the particular subject, somewhat fuller explanatory matter has been added to bring out the exact change produced.

(3) With important and far-reaching measures, in addition to the title and digest of the subject-matter of the enactment, either the whole or the most significant portion has been quoted.

Still further, by way of evaluation of the importance of laws in the respective states, use has been made of the information furnished by the various state superintendents and educational officers. Laws which they have regarded as of the first importance in the development and progress of the state's educational activities and system have been indicated by an asterisk (\*).

*Method of Classification and Arrangement.*—In order to facilitate presentation and to render this bulletin of ready access for reference, the whole mass of the special class of educational legislation has been carefully classified according to what seems to be a logical and consistent scheme. At the same time, thruout, the effort has been to avoid such complexity of classification as would tend to defeat its purpose. Under each of the headings indicated has been placed such legislation as properly belongs thereto, arranged alphabetically by states. In addition, the enactments and measures have been numbered consecutively, thereby contributing to ease and readiness in discovering legislation of a particular type. The index at the close of the volume further insures the discovery of legislation bearing upon any single topic. This is divided into a subject index and a State index.

*Typography.*—In the case of each entry, the title of the bill, whether given verbatim or in modified form, is printed in the smaller type (8 point), leaded. Comments following the title of the bill, or a brief summary of its provisions, are printed in the same type without leads. Citations from the original text of the bill, when given, are printed in the larger type (10 point), without leads.

## PLAN OF CLASSIFICATION.\*

### A. GENERAL ADMINISTRATIVE CONTROL AND SUPERVISION OF ELEMENTARY AND SECONDARY EDUCATION.

- a. General.
- b. State Boards and Officers.
- c. County Boards and Officers.
- d. District, Township, and Municipal Boards and Officers.
- e. School Meetings; Elections; Qualifications for Voters.
- f. Administrative Units: Districts, Townships, Municipalities, etc.; Formation; Division; Consolidation.

### B. STATE FINANCE AND SUPPORT.

- a. General.
- b. State School Lands.
- c. Permanent State School Funds: Composition and Investment.
- d. State Taxation for School Purposes.
- e. General Apportionment of State School Funds; Special State Aid for Elementary Education.
- f. Special State Aid for Secondary Education.

### C. LOCAL (COUNTY, DISTRICT, MUNICIPAL) FINANCE AND SUPPORT.

- a. General.
- b. Local (County, District, Municipal) Finance and Support; Bonds and Indebtedness.
- c. Local (County, District, Municipal) Taxation for School Purposes.

### D. BUILDINGS AND SITES.

- a. General.
- b. Buildings and Sites: State Aid; Approval of Plans.
- c. Buildings and Sites: Decoration; Care; Sanitation; Inspection.
- d. Buildings and Sites: Prohibition districts.
- e. U. S. Flag in Schools.

### E. TEACHERS IN ELEMENTARY AND SECONDARY SCHOOLS.

- a. Teachers: Qualifications; General.
- b. Teachers' Examinations and Certificates: General.
- c. Teachers' Examinations and Certificates: Special.
- d. Teachers' Certificates; Validity; Indorsement; Registration; Revocation.
- e. Teachers' Certificates; Recognition of Normal School, and College or University Diplomas.
- f. Teachers' Associations.

### F. TEACHERS: EMPLOYMENT; CONTRACT; APPOINTMENT; DISMISSAL.

- a. General.
- b. Teachers' Salaries.
- c. Teachers' Pensions.

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\* It is apparent that I am indebted to the carefully prepared and serviceable legislative bulletins of the New York State Department of Education for many suggestions relating to classification of legislation.

**G. TEACHERS: PROFESSIONAL TRAINING AND EDUCATION.**

- a.* University Departments and Schools of Education.
- b.* State Normal Schools.
- c.* County and Local Normal and Training Schools.
- d.* Teachers' Institutes and Summer Schools.

**H. SCHOOL POPULATION AND ATTENDANCE.**

- a.* General.
- b.* School Census.
- c.* School Year; Month; Day.
- d.* School Holidays.
- e.* Place of Attendance; Transportation of Pupils; Consolidation of Schools.
- f.* Compulsory Attendance; Child Labor; Truancy.

**I. SCHOOL DISCIPLINE.**

- a.* General.
- b.* Corporal Punishment.
- c.* Suspension and Expulsion.
- d.* Fire Drills.

**J. HEALTH REGULATIONS.**

- a.* General.
- b.* Physical Examination and Medical Inspection.

**K. TEXT-BOOKS AND SUPPLIES.**

- a.* General.
- b.* Free Text-books.
- c.* Uniformity of Text-books.

**L. SUBJECT-MATTER OF INSTRUCTION.**

- a.* General.
- b.* History, Civics, and Patriotism.
- c.* Physical Education.
- d.* Physiology; Hygiene; Alcohol; Narcotics.
- e.* Moral and Ethical Education.
- f.* Humane Treatment of Animals.
- g.* Music.
- h.* Drawing.
- i.* Technical, Manual, and Industrial Education.
- j.* Days of Special Observances.
- k.* Other Special Subjects.

**M. SPECIAL TYPES OF SCHOOL.**

- a.* General.
- b.* Kindergartens.
- c.* Evening Schools.
- d.* Vacation Schools.
- e.* University Extension; Public Lectures.
- f.* Farmers' Institutes, etc.
- g.* Private and Endowed Schools.

**N. SECONDARY EDUCATION: HIGH SCHOOLS AND ACADEMIES.****O. HIGHER EDUCATIONAL INSTITUTIONS.**

- a.* Finance; Lands; Support.
- b.* State Universities and Colleges.

**P. PROFESSIONAL AND HIGHER TECHNICAL EDUCATION.**

- a.* Teachers' Colleges and Normal Schools.
- b.* Agricultural Colleges.
- c.* Mining Schools.
- d.* Military Schools.

## Q. PRIVATE AND ENDOWED HIGHER INSTITUTIONS: STATE CONTROL.

## R. LIBRARIES.

## a. Public School Libraries.

## S. EDUCATION OF DEFECTIVES.

## a. Deaf and Dumb.

## b. Blind.

## c. Crippled and Deformed.

*Method of Citation.*—At the end of each entry will be found the proper citation to the section; chapter, number of act, or page (in the case of those states whose session laws are not numbered consecutively); year, day, and month of approval or passage. In a number of instances where enactments became operative at some date after passage or approval, the date of operation follows in parentheses the date of passage or approval.

An especial effort has been made to avoid arbitrary and technical abbreviations in making citations. Consequently, but few have been used and then only the most common and easily recognized ones. It is thought that the resulting absence of ambiguity and confusion for the lay and nontechnical reader more than compensates for the slight increase in the volume of matter presented.

*Reviews of Legislation.*—An effort has been made to characterize briefly and to indicate the significant features of the legislation included under each of the principal and important subjects as indicated by the plan of classification. These reviews will be found immediately preceding the classified list of enactments of each section.

The following titles relate to recent publications which have a bearing upon some of the subjects with which this number of the bulletin deals:

CUBBERLEY, ELLWOOD P. School funds and their apportionment. Teachers College (Columbia University) Contributions to Education, No. 2. N. Y., October, 1905.

ELLIOTT, EDWARD C. Some fiscal aspects of public education in American cities. Teachers College Record, Vol. VI, No. 5 (November, 1905). New York, Columbia University Press.

Laws relating to the employment of children in the United States. Department of Commerce and Labor, Bulletin of the Bureau of Labor, No. 62 (January, 1906), pp. 197-285. Washington, 1906.

Report on public libraries, 1905. New York State Library, Home Education Department, Bulletin 45. Albany, New York State Education Department, 1906.



## LEGISLATION RELATING TO PUBLIC EDUCATION.

[Enactments which have been reported by the chief officers of the several State educational systems as of the first importance in the development of those systems are indicated by an asterisk (\*).]

### A. ADMINISTRATIVE CONTROL AND SUPERVISION OF ELEMENTARY AND SECONDARY EDUCATION.

#### (a) General.<sup>a</sup>

Of the legislation relating to general administrative control and supervision of elementary and secondary education, the following are worthy of special note: The state of Texas (3) codified and simplified her school laws in order to provide for a more efficient system of public schools. The length of this revised code and the large number of changes produced prevent a complete analysis and presentation in this place. The content of the new code is indicated by the title of the act of revision as here quoted. The provision by the New York legislature of 1906 (1) for a new state building for the exclusive use of the Educational Department is a further recognition of the importance of that department and representative of the munificence of that state in the endeavor to enlarge its influence upon all phases of popular education.

#### 1. NEW YORK: Providing for a state education building at Albany.

Appropriating \$400,000 for the acquisition of a site. Providing for the preparation of preliminary plans by a commission composed of the state architect, a member of the board of regents of the University of the state of New York, and the commissioner of education. Building to be for use of state education department, the state library, and state museum of natural history. Public competition for designs and plans. Maximum cost, \$3,500,000. Plans, specifications, and bids to be submitted to legislature of 1907.

Chap. 678, May 31, 1906.

#### 2. OREGON: Authorizing Superintendent of Public Instruction to annotate and compile the school laws enacted by the twenty-third regular session of legislature; authorizing State Board of Education to publish the same, and providing for distribution.

Sen. Conc. Res. No. 28, Page 437, Feb. 16, 1905.

#### 3. TEXAS: Repealing chaps. 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, tit. 86, Revised Civil Statutes, 1895, and amendments thereto relating to public education and providing for a complete system of public free schools.

Providing for a more efficient system of public free schools for the state of Texas; defining the school funds; providing for the investment of the permanent fund, and the apportionment of the available fund; defining the duties of certain state officers in reference to the public free schools; creating the offices

<sup>a</sup> Minnesota compiled and adopted a revised code of General Laws in 1905. This new code contains numerous revisions of school laws which, however, have not been included in this analysis of legislation.



of state and county superintendent, providing for the election and salaries of such officers, and prescribing their qualifications and duties; prescribing the duties of other officers in reference to the public schools and public school funds; making county judges ex-officio county superintendents in all counties not having superintendents, and providing for their compensation; providing for the creation of school districts in all the counties of this state except in such counties as shall vote in favor of the continuance of the community system, and as to such counties continuing in force all laws of the State now in force regulating counties under the community system, "provided however, that the scholastic census in such county shall be taken by the school trustees appointed by the county superintendent of public instruction in the manner provided in section 89 of this act;" providing for the election of school trustees and prescribing their qualifications and duties; providing for the creation of county line districts; providing for levying and collecting special taxes for the further maintenance of the public free schools and the erection of schoolhouses; providing for the issuance of common school district bonds for building purposes and providing a sinking fund therefor; providing for the creation of independent school districts at eleemosynary institutions and appointment of trustees therefor; providing for independent school districts in cities and towns and in towns and villages and independent districts incorporated for school purposes only; providing for the issuance of bonds for school purposes by independent districts and creating sinking funds therefor; providing for the levy of special taxes by independent districts; providing for election of school trustees in independent districts and prescribing their qualifications and duties and naming and enumerating the officers of independent district school boards and the duties and powers thereof; providing for schoolhouses and school supplies; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths; providing penalties for refusal to answer questions regarding the age of children and other penalties regarding violations of the provisions of this act; regulating the transfer of the school fund; providing separate schools for white and for colored children and prescribing the studies to be taught therein; fixing the scholastic year and length of school month; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder; providing for the extension of teachers' certificates; providing for the cancellation of teachers' certificates; providing for the teaching of manual training; regulating conveyances and bequests for the benefit of the public schools; prescribing who are entitled to the benefits of the public free schools, and repealing certain laws.

Chap. 124, April 15, 1905.

4. UTAH: Amending sec. 1781, Revised Statutes, 1898, relating to biennial convention of county and city superintendents to be called by State Superintendent.

Conventions to be called *annually*.

Sec. 1, Chap. 78, Mar. 9, 1905.

5. VERMONT: An act to promote good morals in the management of schools.

**SECTION 1.** A person holding a license for the sale of intoxicating liquors, or any person connected with the traffic in intoxicating liquors shall be ineligible to the office of school director, school superintendent, or any other office pertaining to the management of the public schools.

Act No. 48, Dec. 1, 1904.

- 5a. VERMONT: Amending Act No. 48, Acts 1904.

Registered pharmacist of fifth class exempted.

Act No. 49, Dec. 10, 1904.

#### (b) State Boards and Officers.

The legislation of the biennium concerning state boards and officers, displays an endeavor to increase their efficiency and expand their influence; espe-

cially in the case of the State Superintendent of Public Instruction. The provisions for additional clerical assistance (8, 9, 16, 21, 24, 26, 29), the increased appropriations for travelling expenses (14, 22, 27, 34), the appointment of assistant or deputy superintendents (17, 35) are rightly calculated in the states concerned to relieve the chief educational officer of the state from some of the increasing routine demands of his position and to enable him to come into direct contact with those educational conditions he is supposed to direct and influence.

Perhaps the most important enactment of the period is that of Wisconsin (37), creating the office of the inspector of rural schools. The activities of this officer will undoubtedly serve finally to increase the extent of state supervision of the schools of rural communities and to elevate the rural school problem into its proper place in the educational economy of the state by developing a greater local interest and responsibility in the work and efficiency of the district school. Taken in connection with the act establishing the county school board convention (74), this legislation must be regarded as containing the greatest possibilities for the reform of the least progressive portion of state school systems.

6. ARIZONA: Amending sec. 1, chap. 1, title 19, Revised Statutes, 1901, relating to composition of Territorial Board of Education.

Adding to the present membership two principals or superintendents of graded or high schools, to be appointed by the Governor.

Chap. 22, Mar. 4, 1905.

7. ARIZONA: Providing for the state office of public examiner and prescribing his duties.

Requiring public examiner to examine books, accounts, and vouchers of county officers; among others, the county superintendent of public schools.

Chap. 40, Mar. 16, 1905.

8. CALIFORNIA: Amending sec. 515, Political Code, 1903, relating to clerk for Superintendent of Public Instruction.

Provides for appointment and salary of other clerical assistants, statistician, stenographer, and text-book clerk.

Chap. 198, Mar. 18, 1905.

9. CALIFORNIA: Adding sec. 1874a, Political Code, 1903, creating the office of Secretary of the State Text-book Commission, defining his duties and fixing his compensation.

Chap. 582, Mar. 22, 1905.

10. CONNECTICUT: Amending sec. 4811, General Statutes, 1902, relating to state officers.

Changes title of *clerk* of the State Board of Education to *chief clerk*.

Chap. 251, July 19, 1905.

11. IOWA: Amending sec. 2622, Code supplement, 1902, relating to the duties of the Superintendent of Public Instruction.

Number of leaflets, special circulars, and courses of study printed to be determined by the executive council.

Sec. 6, Chap. 3, Mar. 23, 1906.

12. IOWA: Amending sec. 2625, Code, 1897, relating to the time for the making of the biennial reports of the State Superintendent of Public Instruction.

Publication in even-numbered years.

Chap. 121, Mar. 30, 1906.

13. IOWA: Repealing secs. 1057, 1064, 1065, 1066, 1070, and 1071, Code, 1897, relating to the election and terms of office of state officers and enacting substitutes therefor.

General state elections to be biennial.

The governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, and superintendent of public instruction shall be chosen at the general election in each even numbered year and their terms of office shall be for two years.

Chap. 36, Apr. 10, 1906.

14. KENTUCKY: Appropriating annually \$500 for paying the expenses of the State Superintendent of Public Instruction when visiting various portions of the state in the interest of the common schools.

Chap. 40, Mar. 16, 1906.

15. MARYLAND: Granting to the State Board of Education the use of the Fifth Regiment Armory in Baltimore during July, 1907, for the annual meeting of National Educational Association.

Chap. 772, Apr. 5, 1906.

16. \* MARYLAND: Repealing and reenacting with amendments sec. 10, Art. 77, Public General Laws, 1904 (chap. 584, Acts, 1904), relating to expenses of State Board of Education.

Increasing annual payment for general expenses and clerical assistance from two thousand to *three* thousand dollars.

Sec. 1, Chap. 356, Apr. 9, 1906.

17. \* MARYLAND: Adding sec. 17d to follow sec. 17c (20) Art. 77, Public General Laws, 1904 (chap. 584, Acts, 1904), relating to State Superintendent of Public Education.

Authorizing the appointment by the State Superintendent, and with confirmation by State Board of Education, of an Assistant Superintendent of Public Education. Salary, \$1,500 per annum.

Sec. 1, Chap. 356, Apr. 9, 1906.

18. MICHIGAN: Amending secs. 4639 and 4641, Compiled Laws, 1897 (secs. 1 and 3, no. 164, Public Acts, 1881), relating to the powers and duties of the Superintendent of Public Instruction.

Act No. 72, Apr. 25, 1905.

19. MICHIGAN: Amending secs. 4639 and 4641, Compiled Laws, 1897, relating to duties of the Superintendent of Public Instruction.

Superintendent to have supervision of normal training classes; to enforce laws governing schools. May print general course of study for schools of state.

Act No. 72, Apr. 25, 1905.

20. NEBRASKA: Repealing and reenacting with amendments sec. 19, chap. 10, Compiled Statutes, 1903, relating to official bonds of state officers.

Fixing official bond of Deputy State Superintendent of Public Instruction at \$10,000.

Chap. 12, Apr. 1, 1905.

21. NEVADA: Authorizing employment of a stenographer by State Superintendent of Public Instruction.

Chap. 110, Mar. 7, 1905.

22. NEW HAMPSHIRE: Adding sec. 11 to chap. 94, Public Statutes, 1901, relating to Superintendent of Public Instruction.

Allowing not to exceed annually \$150 for traveling expenses.

Chap. 58, Mar. 9, 1905.

23. **NEW YORK**: Amending sec. 7, chap. 378, Laws, 1892, relating to Regents of the University of the State of New York.

Six instead of ten regents to constitute a quorum for the transaction of business.

Chap. 161, Apr. 8, 1905.

24. **NORTH CAROLINA**: Amending sec. 11, chap. 4, Laws, 1901, as amended by sec. 2, chap. 435, Laws, 1903, relating to clerical assistance of Superintendent of Public Instruction.

Increasing salary of clerk and stenographer.

Sec. 2, Chap. 533, Mar. 6, 1905.

25. **NORTH CAROLINA**: Repealing sec. 70, chap. 4, Laws 1901, as amended by sec. 23, chap. 435, Laws 1903, relating to State Board of Examiners.

Sec. 14, Chap. 533, Mar. 6, 1905.

26. **NORTH CAROLINA**: Amending sec. 6, chap. 567, Laws 1903, relating to clerical assistance for Superintendent of Public Instruction.

Increasing appropriation from \$1,000 to \$1,250 for additional clerk.

Sec. 15, Chap. 533, Mar. 6, 1905.

27. **NORTH CAROLINA**: Amending sec. 9, chap. 4, Laws 1901, relating to traveling expenses of Superintendent of Public Instruction.

Increasing allowance from \$500 to \$1,000 per annum.

Sec. 16, Chap. 533, Mar. 6, 1905.

28. **NORTH DAKOTA**: Amending sec. 180, Revised Code 1899, relating to salary of Commissioner of University and School Lands.

Increasing salary from fifteen hundred to eighteen hundred dollars per annum.

Chap. 127, Mar. 9, 1905.

29. **PENNSYLVANIA**: Authorizing the employment of additional clerical assistance for State Superintendent of Public Instruction.

Act No. 11, Mar. 2, 1905.

30. **UTAH**: Amending sec. 1778, Revised Statutes, 1898, relating to the biennial report of the State Superintendent.

Report to contain comparative statement of the closing and preceding biennium.

Sec. 1, Chap. 78, Mar. 9, 1905.

31. **VERMONT**: Authorizing the Superintendent of Education in case of death, resignation, or disability of an examiner to perform temporarily duties of such examiner.

Act No. 31, Dec. 1, 1904.

32. **VIRGINIA**: Amending sec. 183, subdv. 14, Code, 1904, relating to salary of Superintendent of Public Instruction.

Increasing annual salary from \$2,000 to \$2,800.

Chap. 3, Jan. 29, 1906.

33. **VIRGINIA**: Amending sec. 1429, Code, 1904, relating to selection, composition, qualifications, etc., of State Board of Education.

Removing ambiguity of section as to the right of the senate to elect members of the State Board of Education at the present session.

Chap. 33, Feb. 19, 1906.

Chap. 144, Mar. 10, 1906.

34. **VIRGINIA**: Amending sec. 1434, Code, 1904, relating to election, qualifications, etc., of the Superintendent of Public Instruction.

Increasing annual allowance for traveling expenses from five to *eight* hundred dollars.

Chap. 248, Page 436, Mar. 15, 1906.

35. WASHINGTON: Amending sec. 23, Code of Public Instruction (sec. 2204, Annotated Codes and Statutes, 1897), relating to appointment of Deputy Superintendent of Public Instruction.

Authorizing State Superintendent to appoint Deputy Superintendent, who must hold at least the equivalent of a first-grade certificate. Deputy Superintendent to act as inspector of schools.

Sec. 1, Chap. 56, Mar. 3, 1905.

36. WISCONSIN: Amending sec. 6, chap. 37, Laws, 1903, relating to the duties of the State Superintendent of Public Instruction.

Adding the following: To prescribe rules and regulations for management of township school libraries; to prepare suitable outlines as aids for the conducting of annual and special meetings of school officers; to publish courses of study for day schools for the deaf; to furnish printed catalog cards for use of township school libraries.

Chap. 241, May 23, 1905.

37. \* WISCONSIN: Authorizing the appointment of an inspector of rural schools by the State Superintendent.

SEC. 1. The state superintendent is hereby authorized to appoint a competent and suitable person as an inspector of rural schools. It shall be the duty of said inspector to visit and inspect, as far as practicable, the rural schools of each county in the state and to procure information concerning the rural school districts. This inspector shall assist the state superintendent in preparing such special reports to the governor and legislature bearing upon the conditions and needs of rural schools as may be advisable. It shall also be the duty of this inspector to confer with each county or district superintendent concerning the condition of the schools in his county or district; to consult with school officers, patrons, and teachers in regard to school management, discipline, branches of study, school law, and school sanitation, and by public lectures, conferences, and meetings endeavor to arouse an intelligent interest in industrial and agricultural education, as well as in the usual routine work of the elementary rural school. The inspector provided for by this chapter shall work under the direction of the state superintendent, and shall report to him as often as may be deemed necessary concerning the conditions found in the schools and districts inspected and of the work done in the discharge of his duties. When the rural schools are not in session said inspector shall be assigned to other duties by the state superintendent.

SEC. 2. The inspector of rural schools shall receive as an annual salary two thousand dollars, and shall be reimbursed for all actual and necessary travelling expenses when duly certified by the state superintendent. Such salary and expenses shall be paid out of the appropriation to the common school fund income provided for in chap. 313 of the laws of 1903.

Chap. 499, June 20, 1905 (July 1, 1905).

#### (c) County Boards and Officers.

Two classes of enactments relative to county educational officers and boards seem worthy of comment. First are those raising the qualifications (42, 45, 50,

57, 65) and increasing the compensation (38, 39, 40, 46, 48, 51, 53, 60, 64, 76) of county superintendents; second, those establishing the county school board convention (49, 54, 63, 74).

The movement reflected by the first class of enactments has been in progress during the past several years, and may be taken as an expression of the demand for county superintendents who are professional teachers, equipped to carry forward the necessary work of supervision and direction of particularly the rural schools. The tendency to require that county superintendents shall hold high-grade teachers' certificates must gradually result in removing the office, in a large degree at least, from the influence of partisan local politics and give to it a distinctly educational character. The measures enacted in Indiana (40), Nebraska (50), New Jersey (51), and North Dakota (57) are characteristic of the best of the movement.

South Dakota proposed and adopted an amendment to her constitution to permit the legislature to prescribe additional qualifications for county superintendents.

In the second class of enactments under this heading may be placed those authorizing an annual meeting of the members and officers of the various district and other local school boards of each county in the state. For want of a better term these meetings may be called "county school board conventions." State school officers and county superintendents of schools have always recognized the desirability and value of bringing together for conference and discussion the officers and members of district school boards as a means of developing a larger and more intelligent interest in the educational progress and welfare of rural communities. Here and there, by personal force and professional enthusiasm of individual state and county superintendents, such conferences of school officials for a number of years past have been voluntarily held more or less frequently and regularly. The statutes of at least one state (Minnesota) have for a decade or more specifically required that each county superintendent should hold annual meetings of the officers of the different district school boards in his county. The testimony of all of those who have had to do with meetings of this sort was unanimous as to their power for good. The chief obstacle seemed to be in securing the attendance of all of those who should have been benefited. The voluntary organizations and gatherings, whatever their origin and inspiration, were likely to attract only the most interested and efficient of school officials; or the time and expense necessary prevented many from attending such meetings. To overcome these difficulties the county school board convention has been created, attendance required of school officers, and compensation provided. The credit of having first established annual meetings of the officers and members of the boards of the various school districts in every county, with the significant provisions of obligatory attendance and nominal compensation therefor, appears to belong to the state of South Dakota by the act of 1901. Four other states, Minnesota (1905), North Dakota (1905), Pennsylvania (1903), and Wisconsin (1905) have recently placed a somewhat similar law upon their statute books. The measure adopted in Pennsylvania in 1903 was amended in 1905 so as to provide compensation. No movement in public school organization and administration seems to promise so much for the development of the usefulness of the district school as do the county school board convention acts.

38. DELAWARE: Amending sec. 5, chap. 67, Laws, 1898, relative to salary of county school commissioners.

Increased from thirty to seventy-five dollars per month.

Chap. 88, Apr. 13, 1905.

39. ILLINOIS: Amending sec. 27, p. 427, Laws, 1872, relating to salary of county superintendents.

Changing from fees and per diem to annual salary, according to classification of county.

Page 260, May 16, 1905.

40. \* INDIANA: Relating to the qualifications and compensation of county superintendents.

SECTION 1. \* \* \* That no person shall be eligible to, or shall hold the office of county superintendent unless he hold at the time of his election a thirty-six months' state license, a sixty months' license, a life or a professional license to teach in the common schools of this state; but nothing herein contained shall affect the title to his office of any county superintendent now in office.

SECTION 2. A county superintendent shall receive in full for all services rendered by him four dollars and fifty cents (\$4.50) per day for each day he shall be employed in the actual performance of his duties.

\* \* \* \* \*

Chap. 163, Mar. 7, 1905.

41. IOWA: Amending sec. 2739 of the Code, 1897, relative to reports of county superintendents to State Superintendent of Public Instruction.

To be made "last Tuesday in August," instead of "first Tuesday in October."

Sec. 1, Chap. 136, Mar. 10, 1906.

42. IOWA: Amending sec. 2734, Code supplement, 1902, relating to county superintendent.

Must hold first-grade certificate. Prescribing duties of office.

Sec. 2, Chap. 122, Apr. 5, 1906.

43. IOWA: Repealing sec. 1072, Code, 1897, and enacting a substitute therefor, relating to the time of election of county officers.

To be elected in even-numbered years.

Chap. 39, Apr. 10, 1906.

44. IOWA: Amending sec. 2729, Code, 1897, relative to the terms of office of trustees of county high schools.

Regular term fixt at four years.

Chap. 135, Apr. 10, 1906.

45. KANSAS: Repealing, and reenacting with amendments, sec. 1, chap. 424, Laws, 1903, relating to qualification of members of the county board of examiners.

Holders of *professional* certificates included among eligibles for appointment.

Chap. 390, Mar. 3, 1905.

46. KANSAS: Repealing sec. 6, chap. 39, General Statutes, 1901, relating to the salary of the county superintendent of schools, and reenacting with amendments.

Providing for classification of annual salaries according to population of county and sundry other conditions.

Chap. 229, Mar. 8, 1905 (May 2, 1905).

47. MARYLAND: Amending sec. 6, Art. 77, Public General Laws, 1904, relating to appointment of boards of county school commissioners by Governor.

Chap. 353, Apr. 3, 1906.

48. MINNESOTA: Authorizing additional payments to county superintendents where salary does not exceed \$1,400 per year.

Maximum additional for traveling expenses, etc., \$250; for teachers' institute, \$50.

Chap. 182, Apr. 15, 1905.

49. MINNESOTA: Authorizing school boards to pay the expenses of their members in attending an annual meeting of school officers called by the county superintendent.

(Not in session laws, 1905.)

Par. 9, Sec. 1320, Revised School Laws, 1905.

50. NEBRASKA: Repealing, and reenacting with amendments, sec. 1, subdiv. 7, chap. 79, Compiled Statutes, 1903, relating to election of county superintendent of schools.

Excepting in counties having less than one thousand population, the holding of first-grade county certificate a condition of eligibility for office of county superintendent.

Chap. 134, Apr. 4, 1905.

51. NEW JERSEY: Amending sec. 23, chap. 1, Acts, 1903 (sp. sess. Oct. 15), relating to salary of county superintendent.

Making uniform annual salary of \$2,000, instead of graded scale on basis of eight dollars per teacher in county with a minimum of \$1,300 and a maximum of \$2,000.

Chap. 269, Aug. 7, 1905.

52. NEW JERSEY: Amending sec. 30, chap. 1, Acts, 1903 (sp. sess., Oct. 15), relating to county board of examiners for teachers' certificates.

Increasing compensation of members of board from ten to twenty-five dollars for each regular examination.

Chap. 309, June 12, 1906.

53. NEW MEXICO: Regulating the classification of counties and fixing salaries of certain county officers.

Annual salary of county superintendent of schools to be from \$400-\$1,500 according to classification of county.

Chap. 60, Mar. 14, 1905.

54. NORTH DAKOTA: Amending sec. 681, Revised Code, 1899, relating to meetings of district school boards.

\* \* \* provided, that in any common school district which contains a graded school of three or more departments the board shall hold regular meetings for the transaction of business on the second Tuesday of each month, at such time and place as may be fixed by the Board, and in such districts the members of the board shall receive a compensation of one dollar for each meeting attended; provided further, that in counties having the district system, the president and clerk, and in counties having the township system, the members and clerks or such officers as such president and board may appoint to represent them shall receive ten cents a mile for the distance necessarily traveled in attending general meetings of the presidents, members and clerks of school boards convened by the county superintendent and also a salary of two dollars, but the total sum of such salary and mileage shall not exceed five dollars for each representative in attending any one meeting.

Chap. 102, Mar. 1, 1905.



55. \* NORTH DAKOTA: Amending sec. 370, Revised Code, 1899, relating to deputies appointed by certain officers.

Authorizing county superintendent of schools to appoint deputy.

Sec. 1, Chap. 100, Mar. 13, 1905.

56. \* NORTH DAKOTA: Amending sec. 652, Revised Code, 1899, as amended by chap. 88, Laws, 1903, relating to salary of county superintendent of schools and deputy. Adding the following:

In counties having fifty or more schools the county superintendent may appoint a deputy for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to fifty per cent of the county superintendent's salary.

Sec. 2, Chap. 100, Mar. 13, 1905.

57. \* NORTH DAKOTA: Amending sec. 653, Revised Code, 1899, relating to the qualifications of county superintendent of schools.

1. No person shall be deemed qualified for the office of county superintendent, in any county where the salary is one thousand dollars or more per year, who is not a graduate of some reputable normal school or higher institution of learning or who does not hold a state normal or a state professional certificate and who has not had at least three years' successful experience in teaching in this state.

2. No person shall be deemed qualified for the office of county superintendent in counties where the salary is less than one thousand dollars per year, unless he holds a certificate of the highest county grade or its equivalent; provided, however, that no part of this section shall be construed to affect any person now holding the office of county superintendent.

Sec. 3, Chap. 100, Mar. 13, 1905.

58. NORTH DAKOTA: Amending sec. 657, Revised Code, 1899, relating to the exemption of county superintendents from the provisions of secs. 654 and 655, Revised Statutes, 1899, as to county superintendents engaging in teaching or being absent from county.

Exemption extended from counties paying twelve hundred dollars annual salary to those paying one thousand dollars.

Sec. 4, Chap. 100, Mar. 13, 1905.

59. NORTH CAROLINA: Amending sec. 12, chap. 4, Laws, 1901, relating to county board of education.

Teachers not eligible for membership.

Sec. 3, Chap. 533, Mar. 6, 1905.

60. NORTH CAROLINA: Amending sec. 27, chap. 4, Laws, 1901, relating to meetings and compensation of county board of education.

Fixing compensation at two dollars per diem and mileage.

Sec. 6, Chap. 533, Mar. 6, 1905.

61. NORTH CAROLINA: Amending sec. 39, chap. 4, Laws, 1901, relating to the duties of county superintendent to visit schools.

Sec. 10, Chap. 533, Mar. 6, 1905.

62. OREGON: Amending sec. 3360, Annotated Codes and Statutes, 1901, relating to the duties of the county school superintendent.

Defining the following duties in counties having twenty thousand or more children between the ages of four and twenty years: Receiving reports monthly from each principal as to registration and attendance; transmitting report to superintendent of public instruction; organizing and assisting in conducting

teachers' reading circles; keeping record of certificates issued to each teacher; to visit districts twice a year. Salary, \$2,000.

Chap. 3, 1905. Jan. 17, 1905.

63. \* **PENNSYLVANIA**: Amending secs. 1 and 2, chap. 166, Laws, 1903, relating to annual meetings of county associations of school directors.

Providing for compensation for attendance of two dollars per day for a maximum of two days.

**SECTION 1.** That it shall be the duty of each county superintendent of schools to call together, during the school year beginning June, 1905, and annually thereafter, at the county seat or some other suitable place in the county, all the school directors of the county, for the consideration and discussion of questions pertaining to school administration.

**SEC. 2.** It shall be the duty of each school director, in each of the districts of each county, to attend each annual meeting of school directors, called by the county superintendent for the purpose of considering and discussing questions pertaining to school administration; and each school director attending such annual convention shall receive, for his necessary expenses, compensation at the rate of two dollars per diem, and mileage at the rate of three cents per mile, to be paid out of the funds of the district which he serves. But the expenses shall not be paid for more than two days at any annual meetings.

Act No. 105, Apr. 10, 1905.

64. **SOUTH CAROLINA**: Fixing the compensation of the county officers in the various counties.

Fixing the salary of the county superintendent of education in each county. Salaries from four to twelve hundred dollars.

Act No. 462, Feb. 22, 1905.

65. **SOUTH DAKOTA**: Proposing an amendment to sec. 7, art. IX, Constitution, 1889.

Legislature may prescribe additional qualifications for superintendent of schools not inconsistent with sec. 9, art. VII.

Vote Nov. 6, 1906.

Chap. 68, 1905.

66. **UTAH**: Amending sec. 1785, Revised Statutes, 1898, relating to duties of county superintendents.

Providing for the filing of county superintendents' reports of inspection of schools with State Board of Education.

Chap. 64, Mar. 9, 1905.

67. **UTAH**: Amending secs. 1806 and 1809, Revised Statutes, 1898, relating to the calling of school elections and the canvass of votes.

Removing election of county superintendent from provisions of these sections.

Chap. 69, Mar. 9, 1905.

68. **UTAH**: Providing for the election, qualification, duties, compensation, and officers of boards of education of county school districts.

See No. 175.

69. **VIRGINIA**: Amending sec. 1438, Code, 1904, relating to salary of division superintendent of schools.

Increasing graduated salary scale.

Chap. 248, Page 436, Mar. 15, 1906.

70. VIRGINIA: Amending sec. 1447, Code, 1904, relating to powers and duties of county school board.

Increasing annual maximum amount to be allowed to district school trustees from five to ten dollars. Vesting title of property of county high school in county school board.

Chap. 248, Pages 436-437, Mar. 15, 1906.

71. VIRGINIA: Amending in minor manner sec. 1450, Code, 1904, relating to composition; duties, and compensation of school trustee electoral boards.

Chap. 248, Page 438, Mar. 15, 1906.

72. VIRGINIA: Amending sec. 1451, Code, 1904, relating to officers of school trustee electoral boards.

Division superintendent to be the *clerk*; chairman to be elected.

Chap. 248, Page 438, Mar. 15, 1906.

73. WISCONSIN: Adding sec. 461cc., Statutes, 1898, relating to the eligibility of candidates for county superintendent of schools.

Residence in cities of third or fourth class within territorial limits of county or district shall not disqualify candidate.

Chap. 46, Mar. 29, 1905.

74. \* WISCONSIN: Adding par. 9 to sec. 461, Statutes, 1898, and providing for the calling, by county and district superintendents of schools, of annual school board conventions.

The county or district superintendent of schools shall annually call and hold at least one school board convention for his superintendent district, at the county seat or some other convenient place, for the purpose of consultation, advice, and instruction upon matters pertaining to the management of the schools. Each district clerk shall and the director and treasurer may attend such convention. Each member present shall be allowed two dollars and mileage at the rate of three cents per mile each way, going and returning to and from said meeting, said sum to be paid from any moneys in the school district treasury not otherwise appropriated. The county superintendent shall issue to each member in attendance a certificate which shall be filed with the school district clerk and serve as a basis or evidence for drawing the necessary warrant upon the district treasury.

Chap. 105, Apr. 22, 1905.

75. WISCONSIN: Providing that the salary of district superintendents of schools (Chap. 307, Laws, 1903) shall be same as fixt by county board of supervisors for county superintendent of schools.

Chap. 252, May 25, 1905.

76. WISCONSIN: Amending sec. 704, Statutes, 1898, relating to salary, expenses, and bond of county superintendent of schools.

Providing for a graded minimum salary scale for county and district superintendents based upon gross populations of county or district, exclusive of cities under city superintendents; also for expenses and bond.

Chap. 518, June 17, 1905.

#### (d) District, Township, and Municipal Boards and Officers.

The enactments relating to local (district, township, and municipal) officers and boards contain but little of general interest beyond those providing for the reorganization of systems of school control of several of the larger and more important American cities—Philadelphia (114), Boston (95), Milwaukee (126).

These schemes of reorganization, while local and particular in their application, are of concern to all interested in the solution of the problems of the political control of educational affairs presented by our larger cities.<sup>a</sup>

The provisions for the establishment of parish school boards by Louisiana (91), the first elections for which are to be held in 1908; the amendment to the Maine law (94) governing the union of towns for the purpose of supervision; the restriction placed by North Carolina (109) upon the powers of township school committees to make expenditures; the prohibition placed by Utah (117) relative to members of boards of education in cities; and the various amendments made by Virginia to her school code, adopted in 1904, (120-124) are to be especially noted.

77. CALIFORNIA: Amending sec. 1593, Political Code, 1903, relating to the time and place of the election of school trustees.

Time of election changed from "first Friday of June of each year" to "first Friday in April of each year."

Chap. 54, Mar. 3, 1905.

78. CALIFORNIA: Amending sec. 1615, Political Code, 1903, relating to trustees in new and joint school districts.

Date of election of trustees for newly formed joint districts changed from June to April.

Chap. 58, Mar. 3, 1905.

79. CALIFORNIA: Providing for the appointment and salary of clerks of school boards in certain school districts.

Chap. 410, Mar. 20, 1905.

80. CALIFORNIA: Adding sec. 1696a to Political Code, 1903, relating to duties of teachers.

Providing for the substitution of school records and reports destroyed by conflagration or public calamity. Specifying that the method of ascertaining the average daily attendance of a school shall be by taking average daily attendance of the next preceding school year, increased or diminished by the average yearly percentage of increase or decrease calculated for next preceding ten years. Proviso.

Chap. 35, June 14, 1906 (sp. sess.).

81. CONNECTICUT: Amending secs. 2215 and 2216, General Statutes, 1902, concerning the number and election of members of school committees of towns consolidating their school districts.

Chap. 97, May 24, 1905.

82. IDAHO: Amending sec. 82, p. 105, Laws, 1899 (sec. 1074, Political Code, 1901), relating to contracts, oaths of office, officers and compensation of boards of school trustees in independent school districts.

Removing prohibition as to compensation for clerk of board.

H. B. No. 75, Page 71, Feb. 21, 1905.

83. ILLINOIS: Repealing act of 1903, p. 176, as amended June 11, 1897, and also repealing act of March 6, 1895, all relating to powers of boards of school inspectors elected under special acts; and reenacting a substitute.

Page 381, May 12, 1905.

84. INDIANA: Amending secs. 18 and 23 of an act approved March 4, 1899, and sec. 5 of the same act, as amended by sec. 1 of an act approved March 12, 1901, relating to common schools in cities having more than one hundred thousand population.

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<sup>a</sup> These acts relating to municipal school affairs are reserved for complete analysis and treatment in the bulletin dealing with cities, immediately to follow this one.

Relating to duties of assistant to auditor; bids for erection and repair of school buildings; increasing salary of and fixing term of office of secretary of board of school commissioners.

Chap. 89, Mar. 4, 1905.

85. INDIANA: Providing for the election of school trustees in cities and incorporated towns, prescribing their terms of office and their powers and duties in relation thereto.

Relates only to cities below 50,000 population.

Chap. 141, Mar. 6, 1905.

86. IOWA: Amending sec. 2754, Code supplement, 1902, relative to the election of members of school boards in independent school districts.

Term of office of treasurer in certain school districts to begin on first day of July instead of third Monday in March.

Sec. 2, Chap. 136, Mar. 10, 1906.

87. IOWA: Repealing sec. 2757, Code, 1897, relative to the meetings of the board of school directors and the election of officers, and enacting a substitute therefor.

Sec. 3, Chap. 136, Mar. 10, 1906.

88. IOWA: Amending sec. 2765, Code, 1897, relating to the reports of the secretary of the board to the county superintendent.

Report to be made in July instead of September.

Sec. 6, Chap. 136, Mar. 10, 1906.

89. IOWA: Amending sec. 2800, Code, 1897, relating to the organization of school township boards.

Organization to take place on first of July instead of third Monday in March.

Sec. 11, Chap. 136, Mar. 10, 1906.

90. IOWA: Amending sec. 2758, Code, 1897, relating to the time for the qualification of school directors. Extending term of office of certain rural school directors.

Chap. 137, Mar. 17, 1906.

91. LOUISIANA: Relating to the election of parish school board members.

Providing for the election of members of the parish school boards; the number from each parish; their qualifications and term of office. Fixing salary at three dollars per day for each day in attendance at board meetings and five cents per mile for each mile traveled to and from meeting.

First election, 1908.

Act No. 60, July 2, 1906.

92. MAINE: Amending sec. 35, chap. 15, Revised Statutes, 1903, relating to powers and duties of school superintending committees.

Provisions concerning duties as to examination of teachers and examination of schools stricken out.

Sec. 5, Chap. 48, Mar. 11, 1905.

93. MAINE: Amending secs. 36 and 38, chap. 15, Revised Statutes, 1903, relating to duties of town superintendents of schools.

Superintendent to appoint times and places for examination of teachers. Provisions relating to character of annual reports.

Secs. 6 and 7, Chap. 48, Mar. 11, 1905.

94. MAINE: Amending sec. 40, chap. 15, Revised Statutes, 1903, relating to the union of two or more towns for the employment of a superintendent of schools.

SEC. 40. The school committees of two or more towns having under their care and custody an aggregate of not less than *twenty* [previ-

ously twenty-five] nor more than fifty schools, may unite in the employment of a superintendent of schools, provided they have been so authorized by a vote of their towns at the regular town meetings, or special town meetings called for that purpose.

Chap. 55, Mar. 15, 1905.

95. MASSACHUSETTS: Providing for the reorganization of the school committee of the city of Boston. Revising chap. 53, Acts, 1877.

Chap. 349, Apr. 28, 1905.

96. MASSACHUSETTS: Repealing secs. 7 and 8, chap. 241, Acts, 1875, and enacting a substitute, relative to superintendents and supervision of public schools of Boston.

Providing for a six-year term for superintendent of schools; for six assistant superintendents, to be elected for six years. Majority of whole number of members of school committee necessary to elect superintendent, assistant superintendents, head masters of Latin, normal, and high schools, masters of grammar schools and directors of special studies.

Chap. 231, Apr. 2, 1906.

97. MASSACHUSETTS: Repealing sec. 4, chap. 241, Acts, 1875, and enacting a substitute, relating to quorum and officers of the school committee of city of Boston.

Providing for secretary, auditor, and business agent.

Chap. 318, Apr. 26, 1906.

98. MICHIGAN: Amending sec. 2, Act No. 233, Laws, 1869, relating to board of education in Detroit.

Reorganizing constitution of board of education.

Local Act No. 383, Page 118, Mar. 15, 1905.

99. MICHIGAN: Amending sec. 4694, Compiled Laws, 1897, relating to the annual report of the township board of inspectors to superintendent of public instruction.

Act No. 36, Page 56, Mar. 29, 1905.

100. MICHIGAN: Amending sec. 4689, Compiled Laws, 1897, relating to the content of the annual report of school director to board of township school inspectors.

Act No. 36, Page 56, Mar. 29, 1905.

101. MICHIGAN: Amending sec. 3338, Compiled Laws, 1897 (sec. 1, Chap. 32, No. 215, Public Acts, 1895), relating to schools and school districts in cities of the fourth class.

Act No. 106, Page 154, May 10, 1905.

102. MICHIGAN: Amending sec. 3339, Compiled Laws, 1897, (sec. 2, chap. 32, no. 215, Public Acts, 1895), relating to time of annual election of members of board of education in cities of the fourth class.

Election first Monday of July instead of first Tuesday of September.

Act No. 231, June 16, 1905.

103. MINNESOTA: Providing for election of superintendent of schools of special school districts.

SEC. 1. That the superintendent of schools of every special district in this state in which it is provided that said superintendent shall be elected by the board of education of said special district may be elected at any time, notwithstanding any provision in the charter or special act under which such special district was created which requires the election of such superintendent to be had at the first meeting after the annual election of members of said board of education.

**SEC. 2.** This act shall apply to all school districts created under a special law of the state of Minnesota.

Chap. 251, Apr. 18, 1905.

104. MINNESOTA: Empowering boards of education in cities having over fifty thousand inhabitants, and constituting special or independent school districts, to make rules and regulations for the public schools not inconsistent with charter limitations.

Chap. 268, Apr. 18, 1905.

105. NEBRASKA: Repealing, and reenacting with minor amendments, sec. 5793, Compiled Statutes, 1903, relating to organization and officers of board of education in metropolitan cities.

Chap. 142, Mar. 30, 1905.

106. NEW JERSEY: Amending sec. 40, chap. 1, Acts, 1903, (sp. sess. Oct. 15), relating to boards of education in cities.

Making special provision regarding boards of education in cities adopting art. 6, Acts, 1903 (sp. sess. Oct. 15), relating to city school districts, which cities have elected members of board of education at annual charter election.

Chap. 38, Mar. 17, 1905.

107. NEW YORK: Amending the charter of Buffalo, N. Y., sec. 330, chap. 105, Laws, 1891, relating to superintendent of city schools.

Giving superintendent power to employ all school janitors.

Chap. 109, Mar. 30, 1905.

108. NORTH CAROLINA: Amending sec. 64, chap. 4, Laws, 1901, relating to manner of making school reports by teachers and principals to county superintendents of schools.

Sec. 11, Chap. 533, Mar. 6, 1905.

109. NORTH CAROLINA: Amending sec. 21, chap. 4, Laws, 1901, relating to powers of the school committee.

Restricting powers of township school committee to make expenditures. Order of county board necessary.

Sec. 19, Chap. 533, Mar. 6, 1905.

110. OHIO: Revising and reenacting sec. 3970-10, Revised Statutes, 1905, relating to regulations governing election for members of board of education.

S. B. No. 60, Page 116, Mar. 22, 1906.

111. OKLAHOMA: Amending sec. 5843, Statutes, 1893 (sec. 6260, Revised and Annotated Statutes, 1903), relating to monthly report of treasurer of board of education in cities of the first class.

Board of education may summarily suspend treasurer for failure to make reports, and may appoint successor.

Chap. 33, Art. 17, Feb. 25, 1905.

112. OKLAHOMA: Regulating the government of cities having a population of twenty-five thousand and over.

Providing, among other city officers, for members and treasurer of school board; election of members by wards. Salary of treasurer, \$100 per year.

Chap. 9, Art. 3, Mar. 8, 1905.

113. OREGON: Amending sec. 3390, Annotated Codes and Statutes, 1901, relating to the filling of vacancies in district school boards.

Sec. 2, Chap. 210, Feb. 22, 1905.

114. PENNSYLVANIA: Providing for the control, administration, and support of the common schools in school districts of the first class.

Relates particularly to organization of school system of Philadelphia. Cities of the first class constituting school districts of first class. (No. 187, Acts, 1905.)

Act No. 186, Apr. 22, 1905.

115. PENNSYLVANIA: Providing for the annual election of secretaries by borough and township boards of school directors within twenty days of organization.

Act No. 197, Apr. 22, 1905.

116. PENNSYLVANIA: Amending sec. 5, chap. 610, Laws, 1854 (sec. 86, Common Schools, Brightley's Purdon's Digest), relating to the election of school directors.

Upon petition of city councils court of common pleas may increase number of school directors to three from each ward. Manner of election and terms of office.

Act No. 239, May 4, 1905.

117. UTAH: Amending sec. 1985, Revised Statutes, 1898, relating to compensation of members of the board of education in cities.

\* \* \* No member of the board of education shall take any contract, receive appointment, or perform labor for which he shall receive payment from the school funds or in any way receive compensation other than the salary herein provided. [Maximum, \$100 per annum.] Any violation of the provisions of this act shall be deemed a misdemeanor.

Chap. 40, Mar. 7, 1905.

118. UTAH: Amending sec. 1916, Revised Statutes, 1898, relating to constitution of boards of examiners in cities of first and second class.

Election of associate examiners to be made by board of education at April meeting: formerly June.

Sec. 1, Chap. 95, Mar. 9, 1905.

119. VERMONT: Amending sec. 615, Statutes, 1894, as amended by sec. 1, No. 19, Acts, 1896, and No. 17, Acts, 1900, relating to the appointment of a town superintendent of schools.

Requiring town superintendent of schools to file certificate of appointment in town clerk's office.

Act No. 34, Nov. 16, 1904.

120. VIRGINIA: Amending sec. 1465, Code, 1904, relating to compensation of clerk of district school board.

Two dollars for each teacher (previously, school).

Chap. 248, Page 439, Mar. 15, 1906.

121. VIRGINIA: Amending secs. 1454 and 1460, Code, 1904, relating to appointment, terms, and qualifications of district school trustees by school trustee electoral boards.

Chap. 248, Page 438, Mar. 15, 1906.

122. VIRGINIA: Amending, in minor manner, sec. 1466, Code, 1904, relating to powers and duties of district boards of school trustees.

District board liable for violations of provisions governing payment of salary to properly qualified and certificated teachers. Nepotism. Method of recovery.

Chap. 248, Page 439, Mar. 15, 1906.

123. VIRGINIA: Amending and reenacting sec. 1474, Code, 1904, relating to penalties on school officers and teachers for malfeasance or neglect of duty.

Chap. 248, Page 441, Mar. 15, 1906.



124. VIRGINIA: Amending in minor manner secs. 1531 and 1538, Code, 1904, relating to qualifications, powers, and duties of board of school trustees in cities and towns.

Reenacting prohibition against federal, state, or city official serving as school trustee, but repealing clause as to ineligibility for one year after expiration of his term of office. Exempting notary public, commissioner of chancery, commissioner of bankruptcy, and member of board of health from class of state and city officers prohibited from holding office of school trustee. Repealing clause relating to nepotism.

Chap. 293, Page 514, Mar. 17, 1906.

125. WASHINGTON: Powers and duties of members of boards of school directors in cities of 10,000 and over.

*See No. 147.*

126. WISCONSIN: Relating to the organization and control of public schools in cities of the first class. Amendatory to Chap. 186, Laws, 1897.

Defining eligibility, mode of nomination, election of members of board of school directors; organization, powers, and duties of board; selection, powers, and duties of superintendent of schools, and the secretary of the board; establishment, organization, support, and control of schools. Relates to Milwaukee.

Chap. 273, June 1, 1905.

127. WISCONSIN: Amending sec. 492, Statutes, 1898, as amended by chap. 345, Laws, 1903, relating to election of officers in certain free high school districts.

Concerning form of election in free high school districts composed of one town and an incorporated village only.

Chap. 329, June 12, 1905.

128. WISCONSIN: Amending chap. 360, Laws, 1903, relating to the appointment, qualification, and duties of city superintendents in cities of the third class, and to the proper supervision of city schools in cities of the third and fourth classes.

Extending provisions of act to all cities except those of the first class.

Chap. 388, June 17, 1905.

129. WISCONSIN: Amending sec. 1, chap. 317, Laws, 1899, as amended by sec. 1, chap. 205, Laws, 1901, relating to the increase of the members comprising school district boards in certain cases.

Providing that no two of the members of the said district board shall be residents of the same ward until each ward shall have at least one member on such board; that where the school district and city are identical in territory, each ward in the city shall have a member; that in case the city has fewer than seven wards, additional members shall be chosen from the district at large.

Chap. 421, June 19, 1905.

#### (e) School Meetings; Elections; Qualifications for Voters.

The enactments classified under this section relate principally to minor and local administrative changes concerning the time and manner of publication of notices of general and special school elections, the conduct of such elections, and the powers and authorities of district school meetings. The definition of the franchise qualification for school elections in cities of the first class by Oklahoma (145) has somewhat more than a passing interest.

130. CALIFORNIA: Amending sec. 1883, Political Code, 1903, as to the manner of marking ballots by voters at elections for the issuance of bonds in school districts.

Chap. 196, Mar. 18, 1905.

131. CALIFORNIA: Amending sec. 1598, Political Code, 1903, relating to qualification of voters at elections for school trustees.

\* \* \* "who has resided in district for thirty days next preceding the election," amended to read "who is registered in the precinct where the election is held at least thirty days before the election."

Chap. 361, Mar. 20, 1905.

132. CALIFORNIA: Amending sec. 1600, Political Code, 1903, relating to the form of oath administered in swearing in challenged vote at elections for school trustees.

Chap. 362, Mar. 20, 1905.

133. DELAWARE: Repealing chap. 114, Laws, 1901, and reenacting sec. 14, chap. 67, Laws, 1898, relating to the date of annual school meetings in Kent and Sussex counties.

Chap. 91, Apr. 13, 1905.

134. ILLINOIS: Amending sec. 8, art. 6, p. 239, Laws, 1889, relating to election of school boards.

Boards of education may establish voting precincts.

Page 373, May 12, 1905.

135. IOWA: Repealing section 2763, Code, 1897, relating to notice of special meetings in school districts and enacting a substitute therefor.

Specifying method to be followed by secretary in giving notice of special meetings.

Chap. 138, Apr. 9, 1906.

137. IOWA: Amending sec. 2755, Code, 1897, relating to legal publications; notices of election in certain school corporations to be published.

"Once each week for two consecutive weeks" instead of "for two weeks."

Sec. 3, Chap. 9, Apr. 10, 1906.

138. IOWA: Amending sec. 3, chap. 114, Acts, 1904, relating to the manner of holding elections for the creation of indebtedness for schoolhouse purposes.

Publication notice of election to be made "by publication once each week for four weeks" instead of "four weeks' notice."

Sec. 29, Chap. 9, Apr. 10, 1906.

139. KANSAS: Repealing, and reenacting with amendments, sec. 1, chap. 426, Laws, 1903, relating to the time of holding the annual meetings in school districts.

Changing time from June to July.

Chap. 380, Feb. 3, 1905.

140. MICHIGAN: Amending sec. 4659, Compiled Laws, 1897, relating to district school meetings.

Changing annual school district meeting and also commencement of school year from first Monday of September to second Monday of July.

Act No. 36, Page 54, Mar. 29, 1905.

141. MICHIGAN: Amending secs. 4800 and 4801, Compiled Laws, 1897 (no. 185, Public Acts, 1897), relating to the publication of the proceedings of the annual school meeting.

Changing time of publication from "previous to the third Monday in September" to "previous to the first Monday in August."

Act No. 305, June 17, 1905.

142. NEBRASKA: Amending sec. 3, subdiv. 2, chap. 79, Compiled Statutes, 1903, relating to district school meetings.

Extending requirement of fifteen days prior notification of meeting so as to include special meetings. Meetings cannot act regarding change of school site or taxes for building, or purchase or lease of schoolhouse, unless facts are included in notice of meeting.

Chap. 130, Apr. 3, 1905.

143. NORTH DAKOTA: Amending secs. 670 and 679, Revised Code, 1899, relating to election of school officers and notices of annual election.

Changing dates of annual election from third Tuesday in June to the first Tuesday in July [June].

Chap. 104, Mar. 7, 1905.

144. OKLAHOMA: Amending sec. 6149, Revised and Annotated Statutes, 1903, relating to the time and notice of annual and special school district meetings.

Annual meeting to be held last Tuesday in May (formerly second Tuesday in June). Notices of annual and special meetings to be posted in *five* instead of three public places in the district.

Prior to annual meeting county clerk to furnish district clerk certificate of valuation of property of district.

Chap. 33, Art. 3, Mar. 11, 1905.

145. OKLAHOMA: Prescribing the qualifications of electors at election of school officers in cities of the first class. (Sec. 6253, Revised and Annotated Statutes, 1903.)

All persons, male and female, over the age of twenty-one years, who possess the other qualifications prescribed by the organic act and the general election laws.

Separate ballots and ballot boxes to be provided.

Chap. 9, Art. 2, Mar. 13, 1905.

146. VERMONT: Permitting changes in time of holding annual meeting of town school district in a town containing incorporated school district upon vote of town meeting.

Act. No. 43, Dec. 9, 1904.

147. WASHINGTON: Amending secs. 77, 78, and 92, Code of Public Instruction (secs. 2347, 2348, and 2362, Annotated Codes and Statutes, 1897), relating to election, powers and duties of members of boards of school directors in cities of ten thousand population and over.

Providing for ballots, polling places, and registration of voters.

Secs. 1 and 2, Chap. 142, Mar. 9, 1905.

148. WISCONSIN: Amending sec. 413, Statutes, 1898, relating to the alteration, union, and formation of school districts.

The unintentional omission to notify not to exceed one-sixth of voters of a district meeting does not invalidate such notice.

Chap. 268, May 25, 1905.

149. WYOMING: Amending sec. 536, Revised Statutes, 1899, relating to the qualifications of voters at school elections.

Requiring possession of tax receipt as a qualification for voting at elections for special tax appropriations and bond issues.

Chap. 68, Feb. 20, 1905.

## (f) Administrative Units: Districts; Townships, Municipalities, etc.; Formation; Division; Consolidation.

(See section H, enactments 519-531.)

The legislative activity relating to the consolidation of school districts was at its height several years ago. Most of the enactments in this direction during the past biennium are amendatory to previous measures, and seek to improve the details of the methods already prescribed so as to remove obstacles and provide for adequate protection of the interests of the districts consolidated. The Minnesota provision (163) for a county rural school consolidation commission, the Oklahoma enactment (168) for consolidation and transportation, represent the current progressive aspect of the movement. The Texas (174) and Virginia (176) amendments relating to the formation of school districts, and the creation of local school districts for taxation in Georgia (155), are to be noted in the progress of education in the Southern states.

150. CALIFORNIA: Incorporating and confirming the organization of school districts acting as such for a period of five years.

Chap. 268, Mar. 18, 1905.

151. CALIFORNIA: Amending sec. 1577, Political Code, 1903, relating to the formation of new, and the changing of boundaries of old school districts.

Time for changed from December first and April fifth to October first and February tenth.

Chap. 344, Mar. 20, 1905 (July 1, 1905).

152. CONNECTICUT: Amending sec. 2221, General Statutes, 1902, relating to apportionment of property in cases of consolidation of school districts in a town whereby joint school districts are affected.

Chap. 17, Apr. 19, 1905.

153. CONNECTICUT: School committees of towns consolidating their school districts.

See No. 81.

154. FLORIDA: Regulating the abolition, extension, or contraction of the limits of special school tax districts by a majority vote of the electors.

Chap. 5389 (No. 18), May 29, 1905.

155. GEORGIA: Creating local school districts in each county, and prescribing organization and duties of board of trustees for local school districts.

See No. 300.

156. IOWA: Repealing sec. 2793, Code, 1897, relating to the change of boundary lines of contiguous school corporations and enacting a substitute therefor.

Sec. 10, Chap. 136, Mar. 10, 1906.

157. IOWA: Amending sec. 2801, Code, 1897, relating to the division of school township into subdistricts.

Division to take place at meeting in July instead of September.

Sec. 12, Chap. 136, Mar. 10, 1906.

158. IOWA: Repealing sec. 2802, Code, 1897, relating to the changes in the boundaries of school corporations and the division of assets and liabilities.

Sec. 13, Chap. 136, Mar. 10, 1906.

159. IOWA: Adding to title 13, chap. 14, Code, 1897. Providing for the organization of consolidated independent school districts.

Chap. 141, Apr. 5, 1906.

160. KENTUCKY: Providing for the extension of the boundaries of graded common school districts.

Chap. 88, Mar. 28, 1906.

161. MINNESOTA: Providing for the extension of the boundaries of school districts including less than twelve sections of land and two or more incorporated villages.

Action by county commissioners upon petition of two-thirds of legal voters.  
Chap. 46, Mar. 16, 1905.

162. MINNESOTA: Amending sec. 1, chap. 371, Laws, 1901, relating to the formation, alteration, and consolidation of school districts involving territory lying in two or more counties.

Limiting application of act to counties having 225,000 population or more and counties adjoining thereto. Providing for formation of separate district whenever portion of territory lying in any one county has assessed valuation of \$50,000 and 15 children of school age.

Chap. 183, Apr. 15, 1905.

163. MINNESOTA: Providing for an optional plan for counties to consolidate the rural schools.

Providing for the creation upon petition of a "county rural school consolidation commission" in each county, and prescribing duties and powers thereof; providing for the organization and government of consolidated rural schools and for the transportation of pupils at public expense.

Chap. 326, Apr. 19, 1905.

164. NEW YORK: Amending consolidated school law, sec. 30, art. 5, tit. 8, chap. 556, Laws, 1894, as amended by chap. 210, Laws, 1899, relating to the changing and consolidation of school districts.

Providing for the consolidation of union free school districts in cities and incorporated villages.

Chap. 258, Apr. 21, 1905.

165. NORTH CAROLINA: Amending sec. 29, chap. 4, Laws, 1901, relating to formation of school districts.

Removing clause regarding geographical location and sparse population.

Sec. 7, Chap. 533, Mar. 6, 1905.

166. NORTH DAKOTA: Amending sec. 786, Revised Code, 1899, relating to annexation of adjacent territory to cities, towns, or villages for school purposes.

Establishing three-mile limit with proviso.

Chap. 99, Mar. 9, 1905.

167. OHIO: Amending secs. 3888 and 3889, Revised Statutes, 1905, relating to classification and alteration of school districts.

Defining village school district; must have \$100,000 valuation.

Prescribing classification status of school district when the classification of village or city is changed.

H. B. No. 86, Page 217, Apr. 2, 1906.

168. OKLAHOMA: Providing for the consolidation of school districts, the establishment of consolidated schools, the transportation of pupils, and the disposition of the property and indebtedness of disorganized districts.

Districts to be consolidated by county superintendent upon vote of three-fourths of the voters residing in each of the districts. Transportation to and from school for all pupils living at a distance of one and one-half miles or more.

Chap. 33, Art. 1, Mar. 10, 1905.

169. OREGON: Amending sec. 1, Laws, 1903, p. 86, relating to the consolidation of school districts.

The petition to consolidate from a district of the *third* class need contain the signatures of *five* instead of ten legal voters.

Sec. 3, Chap. 210, Feb. 22, 1905.

170. PENNSYLVANIA: Relating to the consolidation of cities into one municipality and providing for the organization, government, etc., of such consolidated municipality.

Consolidation not to affect application of common school laws nor the collection of taxes and assessments made for school purposes by the various school and sub-school districts.

Act No. 1, Feb. 7, 1906.

171. PENNSYLVANIA: Classifying school districts into four classes corresponding to classification of cities.

First class cities—1,000,000 population; second class—100,000–1,000,000; third class—less than 100,000; all districts outside of cities are to be fourth class.

Act No. 187, Apr. 22, 1905.

172. SOUTH DAKOTA: Providing for the reorganization of independent school districts, containing within their boundaries incorporated city, town, or village acting under general law for government of cities, so that said independent school districts shall be governed by the general law for the government of schools in cities and towns and adjacent territory organized as independent school districts.

Chap. 101, Mar. 8, 1905.

173. SOUTH DAKOTA: Amending sec. 2323, Revised Political Code, 1903, relating to the organization of school districts.

County commissioners may organize one or more congressional townships into one school district.

Chap. 102, Mar. 8, 1905.

174. TEXAS: Amending art. 3938, chap. 10, tit. 86, Revised Civil Statutes, 1895, as amended by Laws, 1899, p. 321, relating to formation of school districts.

Extending the time limit for subdividing counties into convenient school districts from June 1, 1899, to June 1, 1905.

Providing method of procedure when patrons call for a change in the boundary line of school districts; specifying causes for which line may be changed, and clothing the commissioners' court with powers to correct defective district lines.

Chap. 88, Apr. 13, 1905.

175. UTAH: Creating county school districts of the first class on the same administrative basis as school districts in cities of the second class.

Providing that district must have population of more than 3,000 children between ages of six and eighteen; election, qualifications, constitution, duties, compensation and officers of board of education; organization and support of schools. Office of county superintendent to be vacant in certain cases.

Chap. 107, Mar. 9, 1905.

176. VIRGINIA: Amending and reenacting sec. 1470, Code, 1904, relating to the division of school districts and subdistricts.

Providing for the division in certain cases of districts into subdistricts for white and colored children; for the government and administration of such subdistricts; for school tax; for the appointment of school directors, their terms of office, powers, and duties.

Providing also for the adoption of the act by the counties of the state, and mode of relief from such adoption.

Chap. 240, Mar. 15, 1906.

**B. STATE FINANCE AND SUPPORT.**

(For legislation relating to finance, support, lands, etc., of higher and special State institutions, see Section O, enactments 663-688.)

**(a) General.**

The comparatively large number of enactments relating to finance and support exhibits clearly the great and increasing importance of the financial aspect of work of public education. More and more the states possessing school lands are guarding this endowment of public education by protective legislation, preventing, as far as possible, the dissipation of these lands thru the various forms of unwise disposal.

177. **NEW YORK:** Authorizing the acceptance by the state of gifts, bequests, and assignment of bonds, warrants, choses in action, or other obligations of any other state; and enforcing collection.

Such special funds to be appropriated only for support of common schools, or for the promotion of some educational interests in the state.

Chap. 388, May 16, 1905.

178. **VIRGINIA:** Amending and reenacting sec. 1423, Code, 1904, relating to gifts, grants, bequests, trusts, etc., for educational purposes.

Providing that trustees shall render annual account of the investment and disbursement of trust funds; and providing for enforcement of execution by suit on part of the state.

Chap. 23, Feb. 17, 1906.

179. **VIRGINIA:** Repealing sec. 1504, Code, 1904, relating to multiplication of schools beyond capacity to support.

(A duplicate section already included in sec. 1433, Code 1904.)

Chap. 248, Page 432, Mar. 15, 1906.

**(b) State School Lands.**

180. **ARKANSAS:** Authorizing county judges to lease wild and uncleared sixteenth section school lands for a term of years for the purpose of putting the same in cultivation.

Applies to Mississippi county only.

Act No. 156, Apr. 13, 1905.

181. **ARKANSAS:** Relating to title of persons claiming to own sixteenth section school lands.

Act. No. 183, Apr. 19, 1905.

182. **IOWA:** Amending section 2841, Code, 1897, relating to the frequency of publication of notices of sale of school lands.

"Once each week for four weeks" instead of "for four weeks."

Sec. 5, Chap. 9, Apr. 10, 1906.

183. **NEW MEXICO:** Amending sec. 30, chap. 74, Acts, 1899, as amended by sec. 12, chap. 59, Acts, 1901, relating to leasing and managing of public lands.

Giving preference rights of lease or sale of school lands to ex-soldiers, their widows, and heirs.

Chap. 90, Mar. 16, 1905.

184. **NORTH DAKOTA:** Amending sec. 185, Revised Code, 1899, relating to the publication of notices of sale of school and state lands.

Chap. 161, Mar. 6, 1905.

185. **NORTH DAKOTA:** Concurrent resolutions referring to legislature of 1907 amendment to sec. 158, Constitution, 1889, relating to sale of university and school lands.

Page 350 (S. B. 153), Mar. 6, 1905.

186. **PENNSYLVANIA:** Providing for a fixt annual charge of three cents per acre upon lands located within any school district and acquired by state for forest reservations, for benefit of schools of district. Two cents charge for roads.

Act No. 81, Apr. 5, 1905.

187. **SOUTH DAKOTA:** Amending sec. 385, art. 1, chap. 6, Revised Political Code, 1903, relating to patents for school and public lands.

Patent to be delivered by commissioner of school and public lands to county auditor.

Chap. 145, Feb. 4, 1905.

188. **SOUTH DAKOTA:** Amending sec. 369, art. 1, chap. 6, Revised Political Code, 1903, relating to forfeiture of lease of school and public lands for non-payment of rental.

Giving commissioner of school and public lands option to bring suit or declare lease forfeited. Homestead and absolute exemptions only exempt from levy on judgment.

Chap. 160, Feb. 4, 1905.

189. **TEXAS:** Limiting time in which to bring suit for school, university, or asylum land.

Chap. 29, Mar. 16, 1905.

190. **TEXAS:** Amending secs. 1, 3, and 4, chap. 97, Laws, 1903, relating to the sale of public free school, university, and asylum lands to railroad companies.

Providing that 640 acres of the public free school, university, or asylum lands be sold to railroads for the purpose of maintaining water stations where reservoirs are necessary; 320 acres to be sold for each town site. Town-site land to be put on the market and sold within ten years.

Chap. 46, Mar. 29, 1905.

191. **TEXAS:** Providing for the sale and lease of the free public school and asylum lands.

Chap. 103, Apr. 15, 1905.

192. **WEST VIRGINIA:** Amending secs. 6 and 19, chap. 105, Code, 1899, as amended by chap. 24, Acts, 1893, relating to sale of lands for school fund.

Providing for proceedings in sale of forfeited, waste, unappropriated, and escheated lands.

Chap. 42, Feb. 23, 1905.

### (c) Permanent State School Funds: Composition and Investment.

The one noticeable characteristic of the legislation relating to the permanent state school funds is the number of enactments relating to the extension of the investment of the funds so as to include county, municipal, or school district bonds. Nevada (201) and North Dakota (206) each proposed amendments to their constitutions to accomplish these modes of investment. The utilization of



the war-claim payment by Vermont (209) as a foundation for a common-school fund is among the noteworthy pieces of legislation in New England.

193. CALIFORNIA: Authorizing the transfer as investment of \$500,000 of the state school land fund to general fund, for the purchases of site or sites and the erection, equipment, completion, and furnishing of building or buildings for state purposes in San Francisco. Interest four per cent.

Chap. 17, June 12, 1906 (July 1, 1906); (sp. sess.).

194. FLORIDA: Making annual appropriation of \$18,047.01 for payment of interest on state bonds held by educational funds of state as permanent investments.

Chap. 5477 (No. 106), June 5, 1905.

195. IDAHO: Submitting amendment to sec. 11, Art. 9, Constitution, 1889, relating to mode of investment of public school fund.

Extending investment so as to include county, municipal, or school district bonds, or state warrants.

Vote Nov., 1906.

Sen. Jt. Res. No. 2, Page 438, Feb. 8-23, 1905.

196. INDIANA: Providing that county commissioners may assume expense of searching title or recording mortgage of loans of school fund as a county charge to limit of one per cent.

Chap. 28, Feb. 21, 1905.

197. KANSAS: Repealing sec. 292, chap. 92, art. 15, General Statutes, 1901, relating to the payment of bonds before maturity, belonging to state permanent or other school funds, when held by local school corporations.

Chap. 382, Mar. 4, 1905.

198. KANSAS: Repealing chap. 74, Laws, 1903, relating to the exchange of bonds belonging to permanent school fund.

Exchange to be upon application of school district or board of education the bonds of which are held.

Chap. 473, Mar. 4, 1905.

199. \* KANSAS: Repealing sundry sections of the General Statutes, 1901, relating to the state permanent school fund. State agricultural fund, state normal fund, state university fund, and state school fund commissioners. The recording and investing of such funds.

Chap. 472, Mar. 8, 1905.

200. MINNESOTA: Amending sec. 7, chap. 83, Laws, 1897, relating to loan of permanent school or university funds to county, municipality or school district.

Increasing maximum limit of loan from seven to fifteen per cent of assessed valuation.

Chap. 8, Feb. 10, 1905.

201. NEVADA: Proposing amendment to sec. 3, Art. XI, Constitution, 1864, relating to land funds for support of education and the investment thereof.

State school funds may be invested in bonds of any city or county of any state.

Sen. Conc. Res. No. 13, Page 277, Mar. 13, 1905.

202. NEW JERSEY: Authorizing the refunding of money paid into state school fund from sales of unclaimed freight when owner or his legal representative establishes proof that he is entitled thereto.

Chap. 217, May 8, 1906.

203. **NEW YORK:** Amending state finance law, sec. 80, art. 4, chap. 413, Laws, 1897, as amended by chap. 225, Laws, 1904, relating to the education fund.

Providing for the inviolate preservation of the education fund by making additions to the capital thereof to cover any deficit; providing for distribution of income from fund.

Chap. 587, May 19, 1905.

204. **NEW YORK:** Amending state finance law, sec. 87, chap. 413, Laws, 1897, as amended by chap. 360, Laws, 1898, relating to investment of U. S. deposit fund by county loan commissioners.

Increasing limit of loans in city and county of New York from five to ten thousand dollars. Maximum not to exceed sixty per cent of property mortgaged.

Chap. 575, May 23, 1906.

205. **NORTH DAKOTA:** Concurrent resolution referring to legislature of 1907, amendment to sec. 162, Constitution, 1889, relating to the investment of school funds.

Extending investment to county, township, municipal, and drainage bonds, and bonds of such other states as have never repudiated indebtedness.

Page 351, Feb. 25, 1905.

Chap. 101, Feb. 25, 1905.

206. **NORTH DAKOTA:** Concurrent resolution submitting to vote amendment to sec. 162, Constitution, 1889, proposed by eighth legislative assembly (page 294, Laws, 1903) relating to the investment of school funds.

Extending investment to county, township, and municipal bonds.

Vote Nov. 1906.

Page 349, Mar. 2, 1905.

207. **SOUTH CAROLINA:** Relating to disposal of money in state treasury known as "Direct Tax Fund."

Providing that all money in "Direct Tax Fund" Nov. 1, 1905, be placed to the credit of the state school fund.

Act No. 544, Jan. 8, 1905.

208. **SOUTH DAKOTA:** Amending sec. 402, art. 1, chap. 6, Revised Political Code, 1903, as amended by chap. 211, Laws, 1903, relating to investment of permanent school funds.

Extending investment to township bonds, and increasing total amount loaned on farm lands to any one person from one to five thousand dollars and decreasing maximum from one-half to one-third of value of land.

Chap. 161, Feb. 24, 1905.

209. \* **VERMONT:** Creating permanent common school fund.

Providing for utilization of fund of \$240,000, received from national government in payment of war claims, as foundation for common school fund, in accordance with plan to be formulated by special commission reporting to legislature October, 1906.

Act No. 42, Dec. 9, 1904.

210. **VIRGINIA:** Amending sec. 1432, Code, 1904, relating to recovery of money due literary fund.

Recovery to be by State Board of Education.

Chap. 248, Page 432, Mar. 15, 1906.

## (d) State Taxation for School Purposes.

In general the educational interests of the states were affected but little by legislation relating to state taxation for common school purposes. Exceptions to this are Ohio (215), Kentucky (211), and Louisiana (213). The inheritance tax law in the latter state promises to yield no inconsiderable revenue for the benefit of the schools of that state.

## 211. KENTUCKY: Relating to revenue and taxation.

Of the annual tax of fifty cents upon each one hundred dollars of value of all property directed to be assessed for taxation, twenty-six cents shall be for the common schools; one-half of one cent for the agricultural and mechanical college. Taxes levied in any common school district against any railroad or bridge company to be paid to county superintendents of schools. Provides for distribution of taxes collected between white and colored school districts.

Sec. 1 of Art. I, and secs. 5 and 6 of Art. V, Chap. 22, Mar. 15, 1906.

## 212. LOUISIANA: Amending sec. 1, Act No. 170, Laws, 1898, and sec. 1, Act No. 63, Laws, 1904 (as amending sundry previous acts and sec. 90, Act No. 170, Laws, 1898) relating to revenue and taxation.

Lowering state tax from six to five mills, and apportioning out of the taxes collected one and thirteen-twentieths mills for public education.

Act No. 28, June 28, 1906.

## 213. \*LOUISIANA: Providing for inheritance tax for the support of public schools. (Art. 235 and 236, Constitution.)

SECTION 1. \* \* \* That there is now and shall hereafter be levied, solely for the support of the public schools, on all inheritances, legacies, and other donations, mortis causa, to or in favor of the direct descendants or ascendants of the decedent, a tax of two per centum, and on all inheritances or dispositions to or in favor of the collateral relatives of the deceased, or strangers, a tax of five per centum on the amount or the actual cash value thereof at the time of the death of the decedent.

SEC. 2. Be it further enacted, etc., that said tax shall not be imposed in the following cases:

a. On any inheritance, legacy, or other donation, mortis causa, to or in favor of any ascendant or descendant of the decedent below \$10,000 in amount or value.

b. On any legacy or other donation, mortis causa, to or in favor of any educational, religious, or charitable institution.

c. When the property inherited, bequeathed, or donated shall have borne its just proportion of taxes prior to the time of such donation, bequest, or inheritance. \* \* \*

Act No. 109, July 7, 1906.

## 214. MARYLAND: Amending sec. 1, chap. 343, Acts, 1904, as amending sec. 22, art. 81, Public General Laws, 1904, relating to state tax.

Fixing a tax of sixteen cents on each one hundred dollars in 1907 and annually thereafter, for the support of public schools.

Chap. 404, Apr. 3, 1906.

## 215. OHIO: Repealing sec. 3951, Revised Statutes, 1905, relating to the state common school fund and the Ohio State University fund and reenacting same with amendments.

Fixing annual state tax for common school fund at one mill, and one-tenth mill for sinking fund. Abolishing state tax for Ohio State University fund.

S. B. No. 243, Page 256, Apr. 2, 1906.

## 216. OREGON: Amending sec. 1, page 49, Laws, 1903, relating to inheritance tax. Exempting from tax bequests in trust for educational institutions.

Chap. 178, Feb. 21, 1905.

(e) General Apportionment of State School Funds—Special State Aid for Elementary Education.

Of the means for the extension and development of public education none possesses more wide-spread influence than that of the general financial support by the state as a unit. To this end systems of general state taxation have been inaugurated and permanent state school funds have been established. By the income derived from these two sources the states have aimed to reduce the burden of the support of public schools by local taxation alone, to stimulate the growth of local endeavor for the provision of adequate educational opportunities, and to equalize the frequently varying advantages for education among the different communities in the same state.

The most important problem in this connection is that of an equitable and just form of distribution or apportionment of the state educational revenues in order that the ends above mentioned may be accomplished in the best manner possible, and in order that the support provided through the state may become a real and positive force in the provision of adequate school facilities for all the children in the state. Distributions to the various school communities of the state on the basis of taxes paid, property valuation, number of children of school age, total school enrollment for a certain definite period, average daily membership, average daily attendance, or aggregate days of attendance, may be indicated among the methods that have been devised and utilized, singly or in combination, at various times by different states. In general, it may be said that distribution on the basis of the school population or census has been, and is, the prevailing method at the present time.

The very evident aim of this latter method of distribution is to diminish the burdens of local support and to equalize the educational opportunities within the state, upon the presumption that the school population is the best index of the local educational needs. However, in certain states, during recent years, the weakness of this conclusion has been recognized, and attempts have been made to formulate some single or combination method of distribution which would not merely preserve an equality in the amount of assistance given by the state to the different school communities, but which would in reality give help where help was most needed. The methods of distribution on the basis of school enrollment or attendance belong to this class of efforts. More recently, it has come to be recognized that the number of teachers employed gives a far better basis for distribution than either the school census or school attendance, and that a combination basis of the number of teachers and the amount of school attendance represents perhaps the most equitable method for the utilization of the state school fund.

The recent California enactments (218-219) may be regarded in this direction as decided advances in American school administration, and as of sufficient importance to justify their complete reproduction in this place. The revision of the method of apportionment of state school funds in New Jersey (230) may be likewise included among the significant pieces of legislation of the period.

More and more each year the legislation of the different states indicates specific endeavors to extend financial assistance to the least wealthy school communities, and also contains direct appropriations for the extension and improvement of various grades of elementary schools. Florida (220), New York (231), Tennessee (234), Utah (235), Vermont (236), and Wisconsin (239) may be selected as typical of what is being accomplished to raise educational standards by wisely directed financial assistance. Especially noteworthy is the enactment in Indiana (221) to establish a reserve fund to be distributed to those communities which have made the maximum local effort permitted by

law to support public schools, and yet are unable to meet the minimum educational demands and standards established by the state.

217. ARIZONA: Providing for the apportionment of school funds in certain cases.

Permitting county superintendent to make one regular apportionment to school district the schoolhouse of which has been destroyed or rendered useless by fire, flood, etc.

Chap. 66, Mar. 16, 1905.

218. \* CALIFORNIA: Amending section 1858, Political Code, 1903, relating to the apportionment of school funds.

County superintendent must apportion money.

1858. The school superintendent of every county and city and county must apportion all State and county school moneys for the primary and grammar grades of his county or city and county as follows:

Method of determining the number of teachers.

1st. He must ascertain the number of teachers each school district is entitled to by calculating one teacher for every district having seventy or a less number of census children and one additional teacher for each additional seventy census children, or fraction of seventy not less than twenty census children, as shown by the next preceding school census; and in cities or districts wherein separate classes are established for the instruction of the deaf, as provided in section sixteen hundred and eighteen of this code, an additional teacher for each nine deaf children, or fraction of such number not less than five, actually attending such classes; provided, that all children in any asylum, and not attending the public schools of whom the authorities of said asylum are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is located is entitled.

Must report the number of teachers to the superintendent of public instruction.

2nd. He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers so allowed to the several districts. And he must at the time of making his annual report of the school census of his county or city and county, as provided in section 1551 of the Political Code, report to the superintendent of public instruction, under oath, the number of teachers ascertained and so allowed to his county or city and county by the rule or provisions of subdivision first hereof applied to said school census.

Method of apportionment.

3rd. Five hundred fifty dollars shall be apportioned to every school district for every teacher so allowed to it; provided, that to districts having over seventy or a multiple of seventy school census children and a fraction of less than twenty census children, there shall be apportioned twenty-five dollars for each census child in said fraction.

4th. All school moneys remaining on hand after apportioning to the school districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the preceding school year; provided, that for any newly organized school district

where school was not maintained during the year in which the school census was taken, the average daily attendance shall be such percentage of the average daily attendance of the old district or districts from which its territory was taken as the census of the new district is of the old and new districts combined. The county superintendent shall deduct from the average daily attendance of the old district or districts the average daily attendance of the new district as above determined. Census children, wherever mentioned in this chapter shall be construed to mean those between the ages of five and seventeen years.

Certain funds may be borrowed for the benefit of school districts.

5th. Whenever in any school year, prior to the receipt by the counties, cities, or cities and counties of this state, of their state, county, or city, or high school fund, the school districts or cities or cities and counties shall not have sufficient money to their credit to pay the lawful demands against them, the county, city, or city and county superintendent shall give the treasurer of said county, city, or city and county, an estimate of the amount of school money that will next be paid into the county, city, or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate it shall be the duty of the treasurer of said county, city, or city and county, to transfer from any fund not immediately needed to pay the claims against it, to the proper school fund, an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be re-transferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

SEC. 2. This act shall take effect and be in force immediately after its passage.

Chap. 64, Mar. 6, 1905.

218a. CALIFORNIA: Kindergarten attendance not to be computed in ascertaining the proportion of the school fund to which a county is entitled.

Los Angeles County v. Kirk, 83 Pac., 250 (Dec. 27, 1905).

219. CALIFORNIA: Amending sec. 1532, Political Code, 1903, relating to the duties of the Superintendent of Public Instruction.

Concerning the apportionment of the state school fund: \* \* \*

\* \* \* In apportioning said fund he shall apportion to every county and to every city and county two hundred fifty dollars (\$250) for every teacher determined and assigned to it on school census by the county or city and county school superintendent for the next preceding school year, as required by the county or city and county school superintendent by the provisions of section 1858 of this code, and after thus apportioning two hundred fifty dollars on teacher or census basis, he shall apportion the balance of the state school fund to the several counties or cities and counties according to their average daily attendance, as shown by the reports of the county or city and county school superintendents for the next preceding school year.

(Subdiv. 4.)

Chap. 185, Mar. 18, 1905 (Sept. 1, 1905).

220. **FLORIDA:** Providing for state aid to all public schools in state with average daily attendance of eighty per cent, so as to extend term of session two months.

Schools already receiving state aid under provisions of chap. 5206 exempted. Annual appropriation of \$50,000 for biennium 1905-1907.

Chap. 5381 (No. 10), May 1, 1905.

221. \* **INDIANA:** Providing for the levy of an annual tax for a state common school tuition fund and its apportionment and distribution.

**SEC. 1.** *Be it enacted by the general assembly of the State of Indiana,* That there shall be in the year 1905, and annually thereafter, assessed and collected, as state and county revenues are collected, eleven cents and six mills (11 cents and 6 mills) on each one hundred (\$100.00) dollars worth of taxable property, real and personal, in the state; which money, when collected, shall be paid into the state treasury for a common school tuition fund, and shall be apportioned to the several counties in the manner herein provided.

**SEC. 2.** The state superintendent of public instruction shall, on the days fixed by law for his apportionment of the school revenue, in each year, add to the sum total of said revenue, in readiness in each county for apportionment, any amount in the state treasury ready for apportionment, together with 94.8 per cent of the sum collected by virtue of the levy provided for in section one of this act; and, after said addition, the superintendent shall apportion the whole of said sum to the several counties of the state, according to the last enumeration of children therein, with due reference to the diminution provided for by law.

**SEC. 3.** A sum equal to 5.2 per cent of the amount collected under the levy provided for in section one of this act, shall be a fund to be distributed as hereinafter provided.

**SEC. 4.** Whenever any trustee of a township or board of trustees of any school town shall ascertain that there is not a sufficient amount of tuition revenue in his or their hands to enable him or them to maintain the public schools therein for the minimum term now or hereafter provided by law in such current school year, he or they, as the case may be, shall certify in writing under oath, such fact to the county superintendent of his or their county, stating therein the rate of the levy for local tuition purposes on each one hundred dollars, and the taxes on each taxable poll made for the supplementary tuition tax by such township or school town in the year immediately previous to the school year in which such deficiency occurs or will occur; also, stating the full amount received for tuition from each source, the names and number of teachers employed, the rate per diem paid them, the number of days each has taught and when he began teaching, and an estimate of the amount that will be necessary over and above the tuition revenue then on hand to complete such legal minimum term of all the public schools in such school corporation. Said certificate shall be executed in duplicate. Said county superintendent shall immediately examine such certificate, and if he shall find the facts stated therein to be true, and shall further find that such school corporation has levied the highest amount authorized by law for such school municipality as supplementary tuition tax for the year in which such deficiency will occur, he shall forward one

of such certificates to the state superintendent of public instruction, together with the result of his examination, and with the name and post-office address of such township trustee or the treasurer of such school corporation.

SEC. 5. Upon receipt of such statement from the county superintendent, the said superintendent of public instruction shall issue an order on the auditor of state in favor of such school corporation, if there be funds in the state treasury available for that purpose, for the amount necessary to bring the school term of said township or school corporation up to the minimum legal term, specifying the name of the trustee of such township, or the treasurer of said town, and his post-office address. And the auditor of state shall at once draw a warrant on the treasurer of state, payable out of the fund provided for in section 3 of this act in favor of said township or town, payable to the trustee of such township or treasurer of such town, and mail the same to him; provided no such township trustee or treasurer of a school town shall be entitled to draw or receive the funds provided in this act unless said township trustee or school board of trustees has levied a local tuition tax of at least forty cents on \$100.00 of taxable property in such township or school town.

SEC. 6. Said township trustee or school board of trustees shall use the amount so received from the state for the payment of the salaries of teachers employed in his township or their town to enable him or them to maintain schools therein for the full term as required by law during the year for which it was received, and shall use it for no other purpose.

SEC. 7. The township trustee or treasurer of any town school board and the sureties on their bonds receiving such funds from the state, shall be liable for the same as for any other township or school funds they may receive in an official capacity.

SEC. 8. The sum of seventy-five thousand (\$75,000.00) dollars is hereby set apart and appropriated from any moneys in the state treasury, not otherwise appropriated, for the fund provided for in section 3 of this act, for use in the school year beginning in September, 1905.

SEC. 9. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 10. An emergency existing for this act, it shall be in force from and after its passage.

Chap. 32, Feb. 24, 1905.

222. KENTUCKY: Apportionment of state tax between white and colored school districts.

*See No. 211.*

223. MAINE: Amending sec. 97, chap. 15, Revised Statutes, 1903, relating to the education of children in unorganized townships.

Annual state aid increased from five to seven thousand dollars.

Chap. 45, Mar. 8, 1905.

224. MAINE: Amending sec. 16, chap. 15, Revised Statutes, 1903, relating to the withholding of school moneys in certain cases.

Extending provisions so that money may be withheld from towns neglecting "in any way to comply with the laws prescribing the duties of towns in relation to public schools."

Sec. 3, Chap. 48, Mar. 11, 1905.



225. MAINE: Amending sec. 45, chap. 15, Revised Statutes, 1903, relating to use of money appropriated by state for superintendence and extending application thereof.

Sec. 8, Chap. 48, Mar. 11, 1905.

226. MINNESOTA: Prescribing manner of making payments of state aid to high schools, graded schools, semi-graded schools, and rural schools.

Chap. 142, Apr. 11, 1905.

227. MINNESOTA: Amending sec. 23, chap. 352, Laws, 1899; sec. 25, chap. 352, Laws, 1899, as amended by chap. 189, Laws, 1901, and chap. 366, Laws, 1903; and sec. 28, chap. 352, Laws, 1899, as amended by chap. 189, Laws, 1901, and chap. 184, Laws, 1903, relating to state aid to rural schools.

Permitting teacher in state-aided rural school to hold second-grade state certificate. Schools taught by teachers holding second-grade certificates to receive \$50 annual state aid.

Chap. 296, Apr. 19, 1905.

228. MISSISSIPPI: Amending and supplementing sec. 4051, Annotated Code, 1892, relating to the distribution of the common school fund.

Providing for the division of the common school fund between the separate school districts of a county and that part of a county not included in separate school districts.

Chap. 118, Jan. 2, 1906.

229. \* NEW JERSEY: Supplementing Chap. 1, Acts, 1903 (sp. sess., Oct. 15), establishing a system of free public schools.

Providing for the apportionment among the several counties of the state, for school purposes, of the proceeds of the state tax on railroad and canal property. Apportionment on basis of assessed valuation of county.

Chap. 146, Apr. 20, 1906.

230. \* NEW JERSEY: Amending sec. 182, chap. 1, Acts, 1903 (sp. sess., Oct. 15), relating to the apportionment of state school fund by county superintendents.

Providing that district boards of education shall report to county superintendent data concerning pupils attending schools of other districts for whom tuition fees have been paid, and also grades in which teachers had been employed. Providing also, for special annual apportionment, \$400 for each assistant superintendent, and each permanent teacher in approved four-year high school; \$300 for each permanent teacher in approved three-year high school; \$200 for each permanent teacher in ungraded kindergarten, primary, or grammar school, or approved high school of less than three-year course; \$25 for each pupil attending high school of another district, for whom tuition fee is paid by district; \$5 for each pupil attending an ungraded kindergarten, primary, or grammar school of another district, for whom tuition fee is paid by district.

Chap. 241, May 17, 1906.

231. NEW YORK: Amending subdiv. 1, sec. 6, tit. 2, chap. 556, Consolidated School Law, 1894, as amended by chap. 316, Laws, 1902, relating to apportionment of free school fund.

Increasing amount of state aid to districts in accordance with a new graduation scale. Assessed valuation to be determined by Commissioner of Education.

Chap. 698, June 2, 1906.

- 231a. OHIO: Special state aid for teachers' salaries.

*See No. 442.*

232. OREGON: Requiring clerks of school districts to report to the county superintendent when the annual census of the district shall show an increase of 100 per cent or more over the number of children registered by the last census, between the ages of four and twenty years, and requiring

subsequent apportionments of school funds to be based on the number of such children shown by such annual census.

Chap. 121, Feb. 18, 1905.

233. \* SOUTH CAROLINA: Relating to census of public night schools.

Providing that all children attending public night schools, taught by qualified teachers, and having approved course of instruction for twenty nights in any scholastic year, shall be deemed enrolled and their names used by the county board of education in making apportionments.

Act No. 483, Mar. 9, 1905.

233a. SOUTH DAKOTA: Apportionment of school funds.

*See No. 510.*

234. TENNESSEE: Amending chap. 105, Acts, 1903, relating to the disposition of the surplus remaining in the state treasury at the end of each year by appropriating said surplus to use for scholastic purposes.

Providing that the maximum amount of surplus set aside each year shall not exceed \$300,000; \$50,000 to be expended annually to make term of all public schools six months; apportionment among counties conditioned on tax levy of two and one-half mills.

Chap. 213, Apr. 8, 1905.

235. \* UTAH: Providing for special state aid for common school districts.

When the revenue from the state school moneys, and maximum county and district school tax is insufficient to employ a teacher for at least twenty-eight weeks (less than \$300). Appropriating for total aid \$6,000.

Chap. 121, Mar. 17, 1905.

236. VERMONT: Amending sec. 1, No. 30, Acts, 1902, relating to distribution of state school tax fund.

Increasing amount reserved for distribution to certain towns, in order to equalize taxation, from fifteen to forty-five thousand dollars.

Act. No. 41, Dec. 1, 1904.

237. WASHINGTON: Amending sec. 175, Code of Public Instruction (sec. 2461, Annotated Codes and Statutes, 1897), relating to apportionment of school funds.

Requiring, after June 30, 1906, the levying of a three-mill local tax as a condition for school districts receiving apportionment of school moneys.

Providing for the levy of a special tax for payment of old indebtedness of school districts failing in past to receive state apportionment.

Sec. 5, Chap. 56, Mar. 3, 1905.

238. WISCONSIN: Amending sec. 9, chap. 439, Laws, 1901, as amended by chap. 285, Laws, 1903, relating to state aid to graded schools.

Excepting town free high schools.

Chap. 289, June 1, 1905.

239. WISCONSIN: Amending sec. 10, chap. 439, Laws, 1901, relating to state aid for graded schools.

Increasing annual appropriation from sixty thousand to eighty thousand dollars.

Chap. 332, June 10, 1905.

### (f) Special State Aid for Secondary Education.

Adequate provision for elementary schools is rightly accounted of first importance in the educational economy of the state and city or school district. At the same time secondary or high schools are to-day deemed as essential parts of the American common school system. The encouragement and assistance



for the growth of these schools afforded by the states have been among the interesting educational phenomena of the last decade or two. In practically all of the states in which notable progress in public education has been made, some form of special state aid for high schools has been established. The enactments here presented for consideration in this connection are indicative of no new tendency. On the contrary, they bear evidence of the continued special interest held by the states for the care of this particular part of their educational systems. The establishment of a system of public high schools in Virginia (251) and the provision for state aid for these schools is another index of the great educational advancement going on in that state. The state aid to high schools provided for in Florida (242), and the increased assistance to high schools in Massachusetts (245), Minnesota (246), New Hampshire (248), and North Dakota (249) will undoubtedly serve to increase the efficiency of public education in those states.

(For a full account of the history of state appropriations for this purpose down to the year 1903, see the monograph by DAVID RHYS JONES, *State aid to secondary schools*. University of California Publications in Education, vol. 3, No. 2, pp. 46-150.)

240. CALIFORNIA: Repealing and reenacting with amendments "An act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.

Conditions for securing aid revised; nonresident pupils to pay tuition fees after July 1, 1905.

\* \* \* A nonresident pupil shall, in the discretion of the high school board of the high school district where he attends, be required to pay a tuition fee to such school equal to the difference between the cost per pupil for maintenance of such high school and the amount per pupil received during that school year by such high school from the state (sec. 9).

Chap. 65, Mar. 6, 1905 (July 1, 1905).

241. CALIFORNIA: Amending sec. 5, chap. 65, Laws, 1905, relating to apportionment of state high school fund.

Exempting from the requirements as to average daily attendance and length of school session schools closed or affected by conflagration or other public calamity.

Chap. 43, June 14, 1906 (sp. sess.).

242. FLORIDA: Providing for a uniform system of public schools, defining the twelve grades, and classifying the instruction therein.

State aid for high schools: \$50,000 annually for the biennium 1905-07.

Chap. 5382 (No. 11), May 20, 1905 (July 1, 1905).

243. IDAHO: Creating and establishing a fund for the Academy of Idaho.

Designating that four-fifteenths of rental income on certain lands granted by act of Congress, July 3, 1890, for "other state charitable, educational, penal, and reformatory institutions;" and four-fifteenths of interest on deferred payments on said lands, be credited to this fund.

S. B. No. 120, Page 409, Mar. 6, 1905.

244. IDAHO: Authorizing the issuance of \$45,000 four per cent ten-twenty year bonds for the Academy of Idaho, and providing for sinking fund for the interest and redemption of the same by a four-mill state tax.

H. B. No. 153, Page 166, Mar. 10, 1905.



245. MASSACHUSETTS: Amending sec. 3, chap. 42, Revised Laws, 1902, as amended by chap. 433, Acts 1902, relating to state aid to high schools.

Providing for an increase of annual aid from three hundred to five hundred dollars to towns of less than five hundred families maintaining approved high school with at least two teachers.

Chap. 200, Mar. 26, 1906. (Jan. 1, 1907.)

246. MINNESOTA: Amending sec. 10, chap. 352, Laws, 1899, as amended by chap. 19, Laws, 1901, relating to state aid.

Increasing number of state-aided high schools in any county from seven to nine.

Chap. 320, Apr. 19, 1905.

247. MINNESOTA: Prescribing manner of making payments of state aid to high schools, graded schools, semigraded schools, and rural schools.

*See No. 226.*

248. NEW HAMPSHIRE: Amending sec. 3, chap. 96, Laws, 1901, as amended by chap. 118, Laws, 1903, relating to state appropriation for high school tuition.

Increasing annual appropriations from five to eight thousand dollars.

Chap. 89, Mar. 10, 1905.

249. \*NORTH DAKOTA: Amending secs. 870 and 871, Revised Code, 1899, as amended by chap. 8, Laws, 1903, relating to state aid to high schools.

Withdrawing aid to two-year high schools and doubling amount to three-year high schools (from three to six hundred dollars) and to four-year high schools (from four to eight hundred dollars).

Increasing maximum annual appropriation from ten to twenty-five thousand dollars, which sum must include amount of aid and expenses of high school board.

Chap. 24, Mar. 15, 1905.

250. VERMONT: Relating to special state aid to high schools and academies.

*See No. 658.*

251. \*VIRGINIA: Providing for the establishment and maintenance of a system of public high schools; state aid.

Local support of \$250 as a minimum and \$400 as a maximum to any one school to be duplicated by state, provided that district maintains primary and grammar schools at least five months. Inspection of schools by State Board of Education. Appropriating \$50,000.

Chap. 211, Mar. 14, 1906.

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## C. LOCAL (COUNTY, DISTRICT, MUNICIPAL) FINANCE AND SUPPORT.

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### (a) General.

The enactments relating generally to local school finance are mostly concerned with the minor details in the management of educational funds. There is a tendency to require more careful auditing of accounts and greater publicity of local financial affairs of the public schools. Idaho (253), Iowa (254-255), Nebraska (259), New Jersey (260), North Carolina (261), Virginia (265), and Wisconsin (266) past characteristic measures in this direction.

The law past in Tennessee (264) ought to insure greater care in expenditures,

in protecting the district school funds from the waste occasioned by the purchase of unnecessary and expensive school apparatus, and in restricting the activity of overzealous or unscrupulous dealers and agents.

252. CALIFORNIA: Amending sec. 1543, Political Code, 1903, relating to the general duties of the county superintendent.

Providing for manner of drawing requisitions by county superintendent upon county auditor for necessary expenses against school fund of any district; also form and approval of the same.

Chap. 402, Mar. 20, 1905.

253. IDAHO: Amending sec. 85, Laws, 1899 (sec. 1065, Political Code, 1901), relating to duties of boards of trustees of district schools.

Providing that boards of school trustees shall make and publish an annual financial statement.

S. B. No. 26, Page 319, Mar. 10, 1905.

254. IOWA: Amending sec. 2762, Code, 1897, relating to the furnishing of the board of directors by the secretary of a copy of the register of warrants.

At "each regular annual meeting" instead of "the March and September meetings."

Sec. 4, Chap. 136, Mar. 10, 1906.

255. IOWA: Amending sec. 2769, Code, 1897, relating to the financial statements of treasurers of boards of school directors.

Statements to be made in July instead of September.

Sec. 7, Chap. 136, Mar. 10, 1906.

256. MAINE: Amending sec. 13, chap. 15, Revised Statutes, 1903, relating to the raising and expenditure of funds for schools by towns.

Provisions of section not to interfere with provisions for establishment and maintenance of union schools by adjoining towns.

Sec. 1, Chap. 48, Mar. 11, 1905.

257. MAINE: Amending sec. 15, chap. 15, Revised Statutes, 1903, relating to the expenditure of school moneys by towns.

Unexpended balances of any year to be brought forward for the year following. Cities exempted.

Sec. 2, Chap. 48, Mar. 11, 1905.

258. MAINE: Amending sec. 19, chap. 15, Revised Statutes, 1903, relating to the use of school funds by towns.

Sec. 4, Chap. 48, Mar. 11, 1905.

259. NEBRASKA: Repealing, and reenacting with amendments, sec. 5437, Compiled Statutes, 1903, relating to annual tax levy in school districts.

Providing for the preparation of estimate of expenditures by board of trustees prior to time of meeting. Limiting maximum tax levy to two and one-half cents.

Chap. 131, Mar. 29, 1905.

260. NEW JERSEY: Amending sec. 189, chap. 1, Acts, 1903 (sp. sess. Oct. 15), relating to penalty imposed upon custodian of school moneys for failing to make report.

Providing that custodian shall report to board of education of district in addition to county superintendent.

Chap. 182, May 2, 1906.

261. NORTH CAROLINA: Amending sec. 26, chap. 435, Laws, 1903, relating to publishing of treasurer's report.

Providing that county boards of education publish annually the report of the treasurer of the school fund on first Monday of July (previously Dec. 31st).

Sec. 21, Chap. 533, Mar. 6, 1905.

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262. **NORTH DAKOTA**: Amending sec. 757, Revised Code, 1899, relating to county institute funds.

Sec. 6, Chap. 100, Mar. 13, 1905.

263. **NORTH DAKOTA**: Providing for the selection of depositories for city and school district funds.

Chap. 105, Mar. 16, 1905.

264. **TENNESSEE**: Relating to the paying out of school funds upon warrants issued by district school directors.

Making it unlawful for the county trustee to pay out school funds, upon warrants issued by district school directors, for maps, charts, libraries, and other school furniture or apparatus, unless such warrants are approved by the county judge or chairman of the county court and the county court clerk of the county.

Chap. 64, Mar. 17, 1905.

265. **VIRGINIA**: Providing that county and district school board shall make and publish annual financial statement.

Prescribing form of statement and penalties for failure to make.

Chap. 137, Mar. 10, 1906.

266. **WISCONSIN**: Amending sec. 1, chap. 162, Laws, 1899, relating to examination of accounts of school boards.

Providing that the examiners shall be voters in the district (instead of taxpayers), and shall "examine all accounts, books, vouchers, moneys, and property of whatsoever kind belonging to said district between the thirtieth day of June next following their appointment and the time of the next annual school meeting of said school district;" the report to be made to the electors at the next annual meeting.

Chap. 78, April 13, 1905.

267. **WISCONSIN**: Amending sec. 471, Statutes, 1898, relating to assessments in joint school districts.

More clearly defining the duties of assessors in joint school districts as to time, place, and manner of meeting, etc.

Chap. 307, June 5, 1905.

#### (b) Local (County, District, Municipal) Bonds and Indebtedness.

The volume of legislation relating to the creation and payment of bonded and other forms of indebtedness, incurred for educational purposes by local units, is indicative of the fundamental importance of this element of support and of the increasing pressure developed by reason of the constantly growing demands upon the public schools. Some of the measures have undoubtedly been made necessary on account of administrative expediency; others, especially in Idaho (272, 273), Michigan (281), Minnesota (282), Nebraska (285), Oklahoma (291), Virginia (294), and West Virginia (296), placing certain limitations upon the power to issue bonds and to create indebtedness, represent the endeavors to provide both necessary extensions and desirable restrictions to this power.

268. **CALIFORNIA**: Providing for the registration of bonds issued by common school, high school, or union high school districts.

Interest and principal of registered bonds to be paid only to registered owner or authorized agent.

Chap. 120, Mar. 18, 1905.

269. **CALIFORNIA**: Proposing amendment to sec. 18, art. 11, Constitution, relating to the power of counties, cities, cities and counties, towns, townships, boards of education, and school districts to incur indebtedness.

Special provision relating to city and county of San Francisco, the city of San Jose, and the town of Santa Clara.

Res. No. 8, Page 91, June 12, 1906 (sp. sess.).

270. CONNECTICUT: Concerning payment of debts by joint school districts. Consolidated school districts returning to the district system from the system of town management shall be the same as formerly and liable for debts.

Chap. 137, June 15, 1905.

271. FLORIDA: Authorizing county boards of public instruction to borrow money for payment of school warrants when there are no funds; maximum interest rate, eight per cent per annum.

Chap. 5390 (No. 19), June 1, 1905.

272. IDAHO: Submitting amendment to sec. 3, art. 8, Constitution, 1889, relating to limitation of public indebtedness.

No county, city, town, village, or other subdivision of the state shall incur any indebtedness or liability in any manner, or for any purpose exceeding in that year the revenue and income provided for it for such year, without the assent of a *majority* [formerly two-thirds] of the qualified electors \* \* \*.

Vote Nov., 1906.

H. J. R. No. 5, Page 435, Feb. 21, 1905, Mar. 10, 1905.

273. IDAHO: Providing for the issuance of orders for warrants by school district trustees, in payment of teachers' salaries and other necessary expenses.

Total amount of orders not to exceed income and revenue for the year, nor ninety-five per cent of income and revenue until same has been paid into county treasury.

Unpaid warrants to draw seven per cent interest.

H. B. No. 106, Page 93, Feb. 24, 1905.

274. ILLINOIS: Amending secs. 1 and 4, p. 294, Laws, 1901, relating to the issuance of school bonds by certain school districts.

Page 371, Mar. 30, 1905.

275. ILLINOIS: Amending sec. 3, art. 4, Acts, 1889, relating to loans of school moneys by township treasurers.

Regulating conditions of loans, fixing new rates of interest and periods for which loans may be made.

Page 378, May 12, 1905.

276. IOWA: Amending sec. 2768, Code, 1897, adding clause relating to school building bond fund account of treasurer.

Chap. 139, Mar. 23, 1906.

277. IOWA: Repealing sec. 2812-b, Code supplement, 1902, relating to school district bonds, and enacting a substitute therefor.

Defining conditions of issuance of bonds for various school purposes and manner of sale and redemption.

Chap. 140, Apr. 9, 1906.

278. KANSAS: Repealing, and reenacting with amendments, sec. 6142, General Statutes, 1901, relating to the payment of bonds of disorganized school districts.

Permitting the issuance of refunding bonds by new district when the bonded debt of disorganized district can be compromised.

Chap. 383, Feb. 22, 1905.

279. KANSAS: Authorizing counties, cities, townships, and school districts to retire school bonds before maturity.

Upon written petition of majority of resident taxpayers.

Chap. 72, Mar. 7, 1905.

280. LOUISIANA: Proposing an amendment to Constitution, 1898, authorizing and requiring the city of New Orleans to issue two hundred thousand dollars of bonds for the purpose of paying salaries of school teachers and portresses for years 1885, 1886, and 1887.

Vote November, 1906.

Act No. 2, June 11, 1906.

281. \*MICHIGAN: Amending sec. 4717, Compiled Laws, 1897 (sec. 1, chap. 6, no. 164, Public Acts, 1881), relating to the issuance of bonds by school districts.

Removing graded limitations of bonded indebtedness and establishing a uniform maximum limit of five per cent of assessed valuation; excepting districts having school census population of more than one hundred, bond limit is seventy-five dollars per capita of such census.

Fifteen-year limit instead of ten.

Act No. 270, June 16, 1905.

282. MINNESOTA: Amending sec. 3688, General Statutes, 1894, relating to the issuance of bonds by school districts.

*Majority* instead of two-thirds vote of electors required.

Chap. 272, Apr. 18, 1905.

283. MONTANA: Amending sec. 1, H. B. no. 12, p. 3, Laws, 1901, authorizing trustees of school districts to levy and collect a tax, or to issue bonds to repay moneys borrowed and used by such trustees for the maintenance of schools.

Chap. 2, Jan. 27, 1905.

284. MONTANA: Amending sec. 1961, Political Code, 1895, relating to the issuance of bonds by school districts.

Raising maximum total issue from \$251,000 to \$500,000.

Chap. 28, Feb. 21, 1905.

285. NEBRASKA: Repealing, and reenacting with amendments, sec. 10823, Annotated Statutes, 1903, relating to limitation of bond issues by school districts.

Reclassification of bond limitations; \$5,000 bond limit fixt for districts having 100-150 children of school age (formerly 100-200.) Limit for districts having more than 150 children (formerly 200) of school age fixt at ten per cent of assessed valuation.

Chap. 138, Feb. 23, 1905.

286. NEBRASKA: Repealing, and reenacting with amendments, sec. 1, p. 176, Laws, 1879 (sec. 10838, Annotated Statutes, 1903), relating to refunding of school district bonds.

Reducing interest rate of refunding bonds from seven to six per cent. Privilege of redemption at end of five years.

Chap. 139, Mar. 30, 1905.

287. NEW JERSEY: Supplementing chap. 1, Acts (sp. sess. Oct. 15), establishing a thorq and efficient system of public schools.

Bonds issued for the erection of school building prior to passage of above act by a consolidated school district comprising the territory of two adjoining municipalities to continue as a lien upon the real estate of said district.

Chap. 277, May 18, 1906.

288. NEW MEXICO: Amending sec. 1541, Compiled Laws, 1897, relating to issuance of bonds by school districts.

Giving power and authority to issue bonds to school *directors* instead of school districts.

Chap. 81, Mar. 15, 1905.



289. OHIO: Amending sec. 2, art. 12, Constitution, 1851, relating to exemptions from taxation.

State, local, and school bonds exempt. Adopted November, 1905.

Page 652, Apr. 25, 1904.

290. OHIO: Amending secs. 3970-2 and 3970-4, Revised Statutes, 1905, relating to sinking fund created by school districts for payment of bonded indebtedness.

Board of commissioners of sinking fund to make annual report to board of education.

Regulating investment of sinking fund.

Bonds issued by board of education to be offered first to sinking fund commissioners.

H. B. No. 237, Page 45, Mar. 14, 1906.

291. OKLAHOMA: Enabling counties, municipal corporations, boards of education in any city, and school districts to refund indebtedness.

Providing for the determination of amount of indebtedness; placing a limit of four per cent of assessed valuation upon total amount of bonded indebtedness; providing for the manner of issuance, registration, and payment.

Chap. 7, Art. 3, Mar. 11, 1905.

292. OKLAHOMA: Providing for the disposition of the property and indebtedness of disorganized school districts.

*See No. 168.*

293. SOUTH DAKOTA: Amending sec. 2424, Revised Political Code, 1903, relating to the issuance of school bonds.

Extending purposes for which boards of education, when directed by majority of qualified electors, may issue bonds so as to include outstanding indebtedness.

Chap. 103, Mar. 2, 1905.

294. VIRGINIA: Fixing maximum amount of bonded indebtedness for erecting and furnishing schoolhouses at 17 per cent of assessed valuation.

*See No. 348.*

295. WASHINGTON: Amending sec. 120, Code of Public Instruction (sec. 2390, Annotated Codes and Statutes, 1897), relating to the sale of school bonds.

Authorizing the readvertising of sale of bonds within eighteen months (formerly six) when bids are rejected. Bidders, except state of Washington, to deposit one per cent of bid as a guarantee.

Sec. 7, Chap. 142, Mar. 9, 1905.

296. WEST VIRGINIA: Limiting amount of indebtedness of counties, cities, school districts, and municipal corporations.

Maximum of indebtedness fixed at two and one-half per cent of assessed valuation; maximum time of payment, thirty-four years; three-fifths vote necessary to contract debt.

Chap. 51, Feb. 15, 1905 (Jan. 1, 1906).

297. WYOMING: Authorizing the exemption from taxation bonds issued by state of Wyoming or county school district or municipality within the state.

Chap. 17, Feb. 10, 1905.

### (c) Local (County, District, Municipal) Taxation for School Purposes.

There is in the enactments assembled under this head a noticeable tendency to give to local school jurisdictions a wider authority in the provision of adequate support for public education. This tendency is, in fact, but a part of the larger and more inclusive one which is slowly yet surely becoming characteristic of the attitude of the American people toward their schools; that is, to

utilize, in as large manner as is consistent with wise public economy, all of the available means which may properly be directed toward the increase of the material resources available for meeting the educational necessities. The adoption of the proposed amendment to the Arkansas constitution (208), the tax legislation of Georgia (300), New Jersey (310), and Virginia (321), may be selected from the list for mention. The Nebraska enactment (308) clearly expresses a determination that local neglect or parsimony shall not relieve any community of its responsibility toward the public schools.

298.\*ARKANSAS: Proposing amendment to sec. 3, art. 14, Constitution, 1874. Adopted. Sept., 1906.

Increasing state school tax from *two* to *three* mills and raising maximum school district tax which legislature may authorize from *five* to *seven* mills.

Sen. Jt. Res. No. 1, Page 833, Mar. 2, 1905.

299. CALIFORNIA: Amending secs. 1817, 1818, and 1820, Political Code, 1903, relating to county and city and county school tax.

Increases annual amount required to be raised for each teacher, inclusive of state apportionment, from five hundred to five hundred fifty dollars; increases minimum annual amount to be raised for each census child from six to seven dollars.

Chap. 468, Mar. 21, 1905.

300. GEORGIA: Providing for the operation of local tax district schools, for the levying and collection of local tax by counties for educational purposes, for the laying off of counties in school districts, and for other purposes.

Creating local school districts in each county and granting local tax option to counties and school districts for the support of public schools. Tax not to exceed one-half of one per cent for county, or three-quarters of one per cent for district. Two-thirds majority necessary at election.

Creating and prescribing organization and duties of boards of trustees for local school districts.

Act No. 159, Page 425, Aug. 23, 1905.

301. INDIANA: Amending sec. 12, chap. 1, Laws, 1865, as amended by Laws, 1873, relative to levying of special township school tax.

Chapter 162, Mar. 7, 1905.

302. IOWA: Amending sec. 2806, Code supplement, 1902, relating to the estimate of taxes by the boards of school corporations.

Estimate to be made in July instead of March.

Sec. 14, Chap. 136, Mar. 10, 1906.

303. KANSAS: Repealing sec. 6127, General Statutes, 1901, relating to the powers of electors at district school meetings and reenacting a substitute.

School districts having population of more than five hundred may vote tax not to exceed two and one-half per cent (others two per cent).

Chap. 381, Mar. 3, 1905.

304. KANSAS: Repealing chap. 149, Laws, 1886, and amending sec. 18, art. 11, chap. 122, Laws, 1876, relating to tax levy for support of schools in cities of the second class.

Increasing maximum limit of tax to twenty mills on the dollar.

Chap. 399, Mar. 9, 1905.

305. MICHIGAN: Amending sec. 4705, Compiled Laws, 1897 (sec. 14, chap. 4, no. 164, Public Acts, 1881), relating to the assessment and apportionment of the mill tax for school purposes upon the property of township.

No tax to be levied in districts having a balance on hand equal to or in excess of the amount paid for teachers' wages in district during preceding year.

Act No. 16, Mar. 15, 1905.

306. MICHIGAN: Amending sec. 4675, Compiled Laws, 1897, and changing time for district school boards or boards of education to make reports to township clerk of taxes voted.

Act No. 36, Page 54, Mar. 29, 1905.

307. MINNESOTA: Empowering school districts of 20,000-50,000 inhabitants to levy maximum tax of nine mills for school purposes.

Chap. 25, Mar. 2, 1905.

- 307a. NEBRASKA: Limiting maximum tax levy to two and one-half cents.

*See No. 259.*

308. NEBRASKA: Providing for the levying of district school tax by county superintendent, whenever annual school meeting fails to make levy or votes to have no school.

Chap. 143, Mar. 30, 1905.

309. NEW HAMPSHIRE: Amending sec. 1, chap. 88, Public Statutes, 1901, as amended by chap. 92, Laws, 1901, relating to town tax for school purposes.

Increasing assessment from six hundred to seven hundred fifty dollars for every dollar of the public taxes apportioned to the town.

Chap. 48, Mar. 8, 1905.

310. NEW JERSEY: Amending secs. 24, 25, and 26, chap. 208, Acts, 1903, relating to assessment and collection of taxes.

Fixing limit for county taxation of fifty cents per hundred dollars of assessed valuation; a maximum limit of one dollar and seventy cents for combined county, school district, and local taxes in cities having population above fifty thousand; and one dollar and fifty cents for other cities, boroughs, villages, towns, and townships. Proviso. Exceptions of state tax, state school tax, and tax to satisfy judgments.

Chap. 83, Mar. 31, 1905 (Jan. 1, 1906.)

311. NEW MEXICO: Amending sec. 1534, Compiled Laws, 1897, relating to powers and duties of school directors.

Directors may increase levy from five to ten mills when so authorized by majority vote of taxpayers of district.

Chap. 109, Mar. 16, 1905.

312. NORTH CAROLINA: Amending sec. 72, chap. 4, Laws, 1903, relating to taxation for school purposes.

Providing that expenses of holding special election upon question of special annual tax for school fund be paid out of the general school fund of the county.

Sec. 14, Chap. 533, Mar. 6, 1905.

313. NORTH CAROLINA: Amending sec. 54, chap. 4, Laws, 1901, relating to county school fund.

Sec. 20, Chap. 533, Mar. 6, 1905.

314. OHIO: Amending sec. 3958, Revised Statutes, 1905, relating to tax levy for school purposes after state funds have been exhausted.

Repealing provision that in city school districts tax levy shall be submitted to city board of review for approval.

S. B. No. 22, Page 9, Feb. 22, 1906.

315. OHIO: Amending sec. 3959, Revised Statutes, 1905, relating to maximum tax levy for school purposes.

Minimum annual tax for school purposes in city school districts fixt at six mills, exclusive of special levies provided for by vote of people. Additional levy of not more than five mills may be authorized by a majority vote of electors for a period of not more than five years.

H. B. No. 295, Page 127, Mar. 28, 1906.

316. OHIO: Amending sec. 3960 and adding sec. 3958a, Revised Statutes, 1905, relating to certification of tax levies to county auditor, and tax levies in special school districts.

H. B. No. 287, Page 248, Apr. 2, 1906.

317. OKLAHOMA: Amending sec. 6262, Revised and Annotated Statutes, 1903, relating to annual tax levies for school purposes in cities of the first class (25,000 population).

Increasing maximum limit from fifteen to twenty mills.

Chap. 33, Art. 8, Mar. 15, 1905.

318. PENNSYLVANIA: Amending sec. 35, chap. 610, Laws, 1854, relating to assessment of school taxes.

Providing for additional compensation of assessor for levying tax in certain cases.

Act No. 90, April 8, 1905.

319. SOUTH CAROLINA: Amending sec. 1208, Civil Code, 1902, relating to levy of special school district tax.

Providing that tax levied after October 1 of any year shall not take effect until succeeding fiscal year.

Act No. 71, Feb. 24, 1906.

320. UTAH: Amending sec. 1815, Revised Statutes, 1898, as amended by chap. 37, Laws, 1901, relating to powers and duties of boards of trustees.

Increasing maximum tax levy from one-half to three-fourths of one per cent and extending purposes of expenditures so as to include text-books.

Chap. 83, Mar. 9, 1905.

321. VIRGINIA: Amending sec. 1529, Code, 1904, relating to levy of taxes for schools in cities and towns.

Increasing maximum levy from three to five mills.

Chap. 80, Mar. 7, 1906.

322. WASHINGTON: Providing for the levying of a three-mill local tax as a condition for school districts receiving a portion of school money.

See No. 237.

323. WEST VIRGINIA: Amending and reenacting secs. 38 and 40, chap. 45, Code, 1899, as amended by chap. 19, Acts, 1904 (special), relating to levy for building and teachers' fund.

Chap. 67, Feb. 15, 1905.

324. WISCONSIN: Amending subdv. 1, sec. 776, Statutes, 1898, as amended by sec. 2, chap. 439, Laws, 1903, relating to rate of taxation in counties, towns, and school districts.

Increasing additional levy for school purposes in townships from one to two per cent.

Chap. 13, Mar. 17, 1905.

325. WYOMING: Amending and reenacting par. 5, sec. 531, Revised Statutes, 1899, as amended by chap. 63, Laws, 1903, relating to powers of district school meetings to vote money.

Removing five-mill limitation imposed on certain districts.

Chap. 91, Feb. 21, 1905.

## D. BUILDINGS AND SITES.

## (a) General.

In reality a considerable portion of the legislation included in this class may be regarded as belonging to that related to the issuance of bonds and the creation of indebtedness. In a large majority of cases bonds are issued, or extraordinary indebtedness is created, on account of the purchase of sites and the erection of buildings. It has been thought advantageous, however, to bring together here all of those enactments relating, directly and indirectly, to this important aspect of the educational problem.

Louisiana (334) and Virginia (348), each through their special school building legislation, exhibit a forward step in their educational progress. South Dakota (345) has aimed to stimulate the movement for the consolidation of school districts. The authorization by Wisconsin (353) for insurance may be noted among the significant pieces of legislation relating to school buildings.

326. **ARKANSAS**: Authorizing the special school district of Little Rock to borrow money to erect, complete, and equip a high school building; and to give a mortgage on school property.

Act No. 55, Feb. 24, 1905.

327. **ARKANSAS**: Permitting special school districts to borrow money for building purposes, and to mortgage the real property of the district for the payment of the same.

Exemption of Jefferson County.

Act No. 248, May 6, 1905.

328. **CALIFORNIA**: Amending sec. 1617, Political Code, 1903, relating to general powers of boards of school trustees and boards of education.

Giving to boards power to prosecute and compromise without vote of district any litigation, claims, demands, and causes of action arising from the destruction, partial or total, of any school building in the course of construction during the month of April, 1906.

Chap. 32, June 14, 1906. (sp. sess.)

329. **CALIFORNIA**: Amending sec. 1670, Political Code, 1903, relating to high schools.

Permitting high school boards to call election to decide question of issuance of bonds to repair, restore, or rebuild buildings injured or destroyed by conflagration or other public calamity.

Chap. 48, June 14, 1906. (sp. sess.)

330. **INDIANA**: Empowering boards of school commissioners of cities over 100,000 population to sell and transfer real estate and property, and validating previous sales and transfers.

Chap. 59, Mar. 1, 1905.

331. **INDIANA**: Bids for erection and repair of school buildings.

See No. 84.

332. **KANSAS**: Repealing sec. 6319, General Statutes, 1901, relating to the issuance of bonds by cities of second class to purchase sites and buildings for schools and reenacting a substitute with amendments.

Chap. 398, Mar. 8, 1905.

333. **KENTUCKY**: Amending and reenacting sec. 3219, Statutes, 1903, relating to the powers of boards of education in cities of the second class.

Maximum issue of bonds for the purchase of school sites, and the erection and equipment of schoolhouses increased from \$100,000 to \$150,000.

Chap. 79, Mar. 21, 1906.

334. \* **LOUISIANA**: Relating to the issuing of bonds for public purposes.

Authorizing parishes, municipal corporations, and parish boards of school directors, Orleans excepted, to issue, secured by special taxes voted therefor, bonds for the purpose of erecting public schoolhouses and other public buildings and improvements, and providing for the manner of issuance.

Act. No. 84, 1906. Not approved. Law by limitations.

335. **MARYLAND**: Authorizing City of Baltimore upon approval of electors, to issue bonds not to exceed one million dollars in amount for public school sites and buildings.

Chap. 552, Apr. 5, 1906, (Jan. 1, 1907).

336. **MASSACHUSETTS**: Creating a special board with power to sell certain school lands and buildings in the city of Boston. Proceeds of sale to go for purchase of sites and erection of new buildings for school purposes.

Chap. 259, Apr. 7, 1906.

337. **MICHIGAN**: Amending sec. 4728, Compiled Laws, 1897 (sec. 1, chap. 8, no. 164, Public Acts, 1881), relating to selection and changing of sites for schoolhouses by the qualified voters of any school district.

Act No. 75, May 1, 1905.

338. **NEW YORK**: Authorizing villages and cities to insure the real and personal property of state normal schools located therein when state refuses to insure or inadequately insures said property.

Chap. 252, Apr. 21, 1905.

339. **NEW YORK**: Amending subdiv. 12, sec. 14, tit. 7; subdiv. 7, sec. 47, tit. 7, and subdiv. 6, sec. 15, tit. 8, Consolidated School Law, 1894, relating to powers of district school meetings and to school buildings and sites.

Permitting the insurance of school buildings and furniture in extra-State insurance company.

Chap. 150, Apr. 5, 1906.

340. **NORTH CAROLINA**: Amending sec. 31, chap. 4, Laws, 1901, relating to condemnation of land for school sites.

Limiting size of site obtained by condemnation proceedings to two acres.

Sec. 8, Chap. 533, Mar. 6, 1905.

341. **NORTH DAKOTA**: Amending secs. 2516-2522, Revised Codes, 1895, relating to disposal of unclaimed lots in town sites in U. S. public land.

Surplus proceeds of sales may be used for construction, repair, and furnishing of school buildings.

Chap. 183, Mar. 6, 1905.

342. **OKLAHOMA**: Providing for the relocation of district schoolhouse in districts containing town or village.

District board shall locate schoolhouse in or adjoining the town or village, upon vote of two-thirds of voters of district; at a meeting called upon petition of one-third of voters.

Chap. 33, Art. 13, Mar. 13, 1905.

343. **OREGON**: Authorizing the district boundary boards of the several counties of the state to condemn lands for public school purposes, and requiring the school district for which the land is taken to pay the condemnation expenses in the same manner as other expenses.

Chap. 61, Feb. 10, 1905.

**344. RHODE ISLAND: Enabling towns to condemn land for school purposes.**

Empowering towns to condemn land not exceeding one acre at any one time for school purposes; providing procedure for condemnation; for appeal from award of damages and for a remedy for person failing to receive personal notice of the taking of his land.

Chap. 1306, Mar. 9, 1906.

**345. SOUTH DAKOTA: Amending sec. 2386, Revised Political Code, 1903, relating to issuance of school bonds.**

Permitting districts consolidating to issue bonds in amount not to exceed \$3,000, or not more than four per cent assessed valuation for building, furnishing, and equipping central school.

Chap. 162, Feb. 28, 1905.

**346. VERMONT: Amending secs. 816 and 817, Statutes, 1894, relating to the taking of land for school purposes.**

Providing minor change in form of procedure for appraisalment.

Act No. 46, Oct. 28, 1904.

**347. VIRGINIA: Authorizing towns, after submission of questions to electors, in accordance with chap. 184, Acts, 1903, as amended by chap. 324, Acts, 1903, to issue bonds for municipal purposes.**

The erecting and improving of school buildings included among said purposes.

Chap. 148, Mar. 10, 1906.

**348. VIRGINIA: Providing for the issuance of bonds by district school boards for erecting and furnishing schoolhouses, upon approval by county board of supervisors and when authorized by majority vote of electors; also for payment of interest and principal.**

Maximum amount of bonded indebtedness seventeen per cent of assessed valuation.

Chap. 255, Mar. 15, 1906.

**349. WASHINGTON: Amending sec. 95, Code of Public Instruction (sec. 2365, Annotated Codes and Statutes, 1897), relating to the sale of school property by boards of directors in cities having a population of ten thousand and over.**

Providing for sale of property, not exceeding two thousand dollars (previously five hundred), by board of directors without formal consent of district.

Sec. 4, Chap. 142, Mar. 9, 1905.

**350. WASHINGTON: Amending sec. 97, Code of Public Instruction (sec. 2367, Annotated Codes and Statutes, 1897), relating to tax levy by boards of directors in cities having a population of ten thousand and over.**

Authorizing, without vote of electors of district, maximum expenditures of \$50,000 for school sites and buildings in cities having population of ten to fifty thousand; \$100,000 in cities having population of fifty to one hundred thousand; \$150,000 in cities having population exceeding one hundred thousand. Authorizing directors to condemn land for school sites.

Sec. 5, Chap. 142, Mar. 9, 1905.

**351. WISCONSIN: Amending sec. 475, chap. 27, Statutes, 1898, relating to loans for erection of school buildings.**

Chap. 172, May 8, 1905.

**352. WISCONSIN: Defining powers of electors of town free high school districts as to providing and equipping school buildings and providing sites therefor.**

Election to be held upon petition of ten per cent of qualified electors.

Chap. 351, June 12, 1905.

353. WISCONSIN: Authorizing school districts and boards of education to organize mutual fire and tornado insurance companies for the insurance of public school buildings and their contents.

Chap. 373, June 14, 1905.

(b) Buildings and Sites; State Aid; Approval of Plans.

More and more the States are concerning themselves with the matter of properly erected and planned school buildings. As the extent of this State supervision increases there will, without question, be a decrease in the waste of funds through the erection of ill-adapted buildings, and an increase in the number of those in which have been incorporated the features demanded by a proper regard for the health of children and the requirements for efficient teaching. Each of the five enactments in this section are deserving of the thoughtful attention of those who see in properly constructed, adequately equipped, and hygienically arranged school buildings one of the most fruitful sources for the increase in general usefulness of the system of public education. The presence of these measures in the legislation of the period is of a decidedly encouraging nature.

354. PENNSYLVANIA: Providing for the regulation of the construction of public school buildings.

SECTION 1. That in order that due care may be exercised in the heating, lighting, and ventilating of public school buildings hereafter erected, no schoolhouse shall be erected by any board of education or school district in this State, the cost of which shall exceed four thousand dollars (\$4,000), until the plans and specifications for the same shall show in detail the proper heating, lighting, and ventilation of such building.

SEC. 2. Light shall be admitted from the left or from the left and rear of class rooms, and the total light area must, unless strengthened by the use of reflecting lenses, equal at least twenty-five per centum of floor space.

SEC. 3. Schoolhouses shall have in each class room at least fifteen square feet of floor space, and not less than two hundred cubic feet of air space per pupil, and shall provide for an approved system of indirect heating and ventilation, by means of which each class room shall be supplied with fresh air at the rate of not less than thirty cubic feet per minute for each pupil, and warmed to maintain an average temperature of seventy degrees Fahrenheit during the coldest weather.

\* \* \* \* \*

Act No. 193, Apr. 22, 1905.

355. \* SOUTH CAROLINA: Encouraging the erection of adequate public school buildings.

SECTION 1. That the county boards of education of the various counties of this State be, and the same are hereby, authorized to annually set aside, from the surplus remaining from the net income derived by the State from the dispensary profits, an amount equal to five per cent. of the entire public school funds of their respective counties, which said amounts shall be used by the said county boards



of education for the purpose of encouraging and aiding in the construction of adequate public school buildings in their respective counties.

SEC. 2. That when the friends, patrons, or trustees of any public school in any school district in any county in this State shall raise by private subscription, special tax, regular tax, sale of old building, issuing bonds, or otherwise, funds for building a schoolhouse in such district, the county board of education of such county shall turn over to the trustees of such school, from funds set aside for such purpose under this act, fifty dollars (\$50) for each one hundred dollars (\$100) so raised by such friends, patrons, or trustees for constructing such school building: *Provided*, No one school shall receive more than three hundred dollars under the provisions of this act: *Provided, further*, That no more than one school in any one district, in any one year, shall receive such aid.

SEC. 3. That county boards of education shall give the preference to school districts which have combined and consolidated two or more school buildings.

SEC. 4. That any school district availing itself of the provisions of this act shall comply with plans and specifications approved by the State board of education.

SEC. 5. That no school shall receive aid under the provisions of this act without the approval of the county board of education.

\* \* \* \* \*

Act No. 452, Feb. 22, 1905.

356. \* VIRGINIA : Amending sec. 1489, Code, 1904, relating to construction and condemnation of schoolhouses.

No schoolhouse shall be contracted for or erected until the site, location, plans, and specifications therefor shall have been submitted to and approved in writing by the division superintendent of schools, whose action in each case shall be reported by him to the State Board of Education.

Chap. 248, Page 442, Mar. 15, 1906.

357. \* VIRGINIA : Authorizing State Board of Education to lend, and district school boards to borrow, money from literary fund for the erection of school houses.

Plans, specifications, and location of building to be approved by state superintendent.

Maximum loan \$3,000, or not more than 50 per cent of cost of building. No aid for building costing less than \$250.

Chap. 252, Mar. 15, 1906.

358. WISCONSIN : Providing for additional room and additional teaching force in certain schools.

SECTION 1. Whenever any school district having a schoolhouse of one room only shall enroll in any one school term sixty-five pupils or more in such school it shall be the duties of the electors of said district at the next annual meeting to authorize the district board to make provision for an additional room and an additional teacher for the accommodation and instruction of said children.

SEC. 2. Failure to comply with the act shall cause the district to forfeit the right to share in the apportionment in that part of the public money which said district would otherwise receive from the seven-tenths mill tax, as provided by law.

Chap. 256, May 15, 1905.

(c) **Buildings and Sites: Decoration; Care; Sanitation; Inspection.**

The following enactments are supplementary in their evident purpose to those noted in the previous section. Each of them bears characteristic evidence of progress in a needed direction. Those of Utah (363) and Vermont (364) are deemed of sufficient importance to justify the quotation of their principal features.

359. NEW YORK: Giving superintendent of Buffalo power to employ all school janitors.

*See No. 107.*

360. NORTH CAROLINA: Amending sec. 6, chap. 435, Laws, 1903, relating to duties of township school committeemen.

Making appointment of janitor compulsory in district schools.

Sec. 18, Chap. 533, Mar. 6, 1905.

361. SOUTH DAKOTA: Prescribing as a duty of school district officers the planting, cultivation, and protection of trees and shrubs upon school grounds.

Chap. 104, Jan. 31, 1905.

362. TENNESSEE: Amending charter of city of Chattanooga.

Giving to the board of education the care, control, and maintenance of public school buildings and grounds.

Chap. 388, April 14, 1905.

363. UTAH: Requiring outhouses on school grounds to be maintained in a sanitary condition.

SECTION 1. \* \* \* It shall be the duty of the board of trustees of each school district in the state to provide all outhouses upon the school grounds, and which are not connected with a sewer system or cesspool, with the dry-earth system of privy vaults and to provide at all times a supply of dry earth in such outhouses sufficient to comply with the requirements of such system and must cause such vaults to be emptied at least once every month and oftener during the school year if in the opinion of the district health officer it is necessary and shall maintain all such outhouses in a sanitary condition.

Chap. 66, Mar. 9, 1905.

364. VERMONT: Providing for the condemnation of unsanitary school buildings or outhouses.

SECTION 1. The State board of health shall have power to examine or to cause to be examined any school building or outhouse, and to condemn the same as unfit for occupation or use; and any building or outhouse so condemned by written notice served upon the chairman of the board of school directors or other person having such school in charge shall not be occupied or used thereafter for school purposes until they are repaired and their sanitary conditions approved by said board.

SEC. 2. Any person who violates the provisions of this act shall be fined not more than fifty dollars nor less than five dollars.

Act No. 44, Nov. 17, 1904.

365. WEST VIRGINIA: Amending sec. 33, chap. 45, Code, 1899, relating to inspection of schoolhouses.

Providing that the president of the board of education of every district shall, at least once each year, examine all schoolhouses constructed and in process of construction and report the condition to the board. If buildings are unsatisfactory they may, with the approval of the county superintendent, be sold and proceeds be added to building fund. Payment to president for services.

Chap. 70, Feb. 18, 1905.

## (d) Buildings and Sites: Prohibition Districts.

The enactments presented under this heading do not, strictly speaking, belong to the class of educational legislation. They are, however, further evidences of a movement already a part of the policy of many States for the protection of the educational interests.

366. ARKANSAS: Establishing prohibition districts within vicinity of certain schools.

Act No. 259, May 6, 1905.

367. MASSACHUSETTS: Amending sec. 35, chap. 100, Revised Laws, 1902, relative to the granting of license for the sale of intoxicating liquors by certain hotels in the vicinity of public schools.

Chap. 104, Feb. 21, 1906.

368. MICHIGAN: Act No. 663, page 1157, Local Acts, 1905, making it a penal offense to keep a saloon within a certain distance of any public school in a certain county, is not unconstitutional as a violation of the fourteenth amendment to the United States Constitution.

*White v. Bracelin*, 107 N. W. 1055 (May 24, 1906).

369. NEW JERSEY: Amending sec. 11, chap. 53, Acts, 1889, relating to sale of intoxicating and brewed liquors.

Providing that no license issue for the sale of spirituous, malt, or brewed liquors in any new place within two hundred feet of any schoolhouse, church, or armory.

Chap. 21, Mar. 8, 1905.

370. TENNESSEE: Regulating the sale of intoxicating liquor in vicinity of schools.

Prohibiting any person from buying for another any intoxicating liquor within four miles of any schoolhouse, public or private, whether school be in session or not. Not applying to legal sale of liquor in incorporated towns.

Chap. 422, April 15, 1905.

371. WISCONSIN: Amending sec. 1548, Statutes, 1898, relative to the sale of liquor near public and parochial schools.

No new liquor license to be granted after June 30, 1905, within 300 feet of public or parochial school; no license to be granted after Jan. 1, 1908, within restricted locality if majority of parents or guardians remonstrate.

Chap. 385, June 17, 1905.

## (e) U. S. Flag in Schools.

372. NEW MEXICO: Providing for the display of the United States flag upon public school buildings and the observance of February 12th, as "Flag Day."

State superintendent to prepare program of flag-day exercises and a uniform flag salute.

Chap. 48, Mar. 10, 1905.

373. OKLAHOMA: Requiring that United States flag be displayed within every schoolhouse, and providing penalty for violations.

Chap. 33, Art. 6, Mar. 10, 1905 (July 1, 1905).

**E. TEACHERS IN ELEMENTARY AND SECONDARY SCHOOLS.**

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**(a) Qualifications; General.**

374. MONTANA: Amending sec. 1912, Political Code, 1895, as amended by sec. 2, S. B. no. 81, page 148, March 4, 1897, relating to the issuance of teachers' certificates.

Teacher in the public schools must be a citizen of the United States, or must have declared intention to become a citizen.

Chap. 77, Mar. 3, 1905.

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**(b) Teachers' Examinations and Certificates: General.**

By reason of their volume, and of their many evidences of educational progress, the enactments concerning the standards of qualification for teachers in the public schools represent one of the most interesting phases of the legislative activity of the biennium, especially when considered together with those dealing with normal schools and other institutions set up for the purpose of the professional education and training of teachers (see Section G, enactments 455, 498).

Two tendencies of the following enactments may be easily discerned: The first, the raising of the academic and professional requirements for teachers' certificates of different grades. The regulation of the California State Board of Education (375), as to the issuance of certificates to high school teachers, represents a decidedly new step in this direction. Its results will be watched closely by all those having a concern in the intensive development of the efficiency of secondary education. The amendments to the Nebraska statutes (391) may also be placed in the same class of progressive legislation.

The second of the characteristic tendencies is that of the centralization of right of examination and powers of certification of teachers in State boards and officers. Each year the legislative evidence becomes plainer that the control and regulation of the examination and certification of teachers entirely by the State is to become a settled principle of American school administration and supervision. To accomplish this end there is a continued withdrawal of the authority of county officers and boards to determine professional fitness and qualification. Iowa (382), Louisiana (387), Nebraska (391), New Mexico (393), Ohio (399), South Dakota (401), Utah (402), and Virginia (404) each passed measures calculated to give more uniform and certain values to the different grades of teachers' certificates.

375. CALIFORNIA: <sup>a</sup> The powers and duties of the State Board of Education are as follows:

2. (a) To prescribe by general rule the credentials upon which persons may be granted certificates to teach in the high schools of this State. No credentials shall be prescribed or allowed unless the same, in the judgment of said board, are the equivalent of a diploma

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<sup>a</sup> This regulation of the issuance of high school teachers' certificates is not a legislative enactment, but a requirement of the State Board of Education. It is included here because in effect it is equivalent to legislative action, and because it represents a new movement for better qualified high school teachers.

of graduation from the University of California and are satisfactory evidence that the holder thereof has taken an amount of pedagogy equivalent to the minimum amount of pedagogy prescribed by the State Board of Education of this State and include a recommendation for a high school certificate from the faculty of the institution in which the pedagogical work shall have been taken.

(b) The said board shall also consider the cases of individual applicants who have taught successfully for a period of not less than twenty school months, and who are not possessed of the credentials prescribed by the board under the provisions of this section. The said board in its discretion may issue to such applicants special credentials upon which they may be granted certificates to teach in the high schools of the State. In such special cases the board may take cognizance of any adequate evidence of preparation which the applicants may present. The standard of qualification in such special cases shall not be lower than that represented by the other credentials named by the board under the provisions of this section.

Section 1521. Political Code, 1903.

The minimum amount of pedagogy which Section 1521, subdivision 2 (a) of the Political Code, directs the State Board of Education to prescribe, is hereby declared to be as follows:

Satisfactory completion of courses, suitable and essential to acquiring efficient skill in teaching and an intelligent comprehension of the scope and the attainable goals in high school instruction; said courses to be equivalent to not less than twelve hours per week for one-half year; *provided*, that at least one-third of this work shall consist of practical teaching under the direction of supervising instructors of academic competency and breadth of pedagogic comprehension who for a period of not less than two years have taught the subjects in which they supervise.

The State Board of Education is not authorized by Section 1521 to specify institutions in which this prescribed pedagogy may be taken, but as standards of equivalents the certificate from any institution belonging to the Association of American Universities, or from any California State Normal School, or their recognized equivalents, may be accepted, provided that the recommendation of applicants by faculties of institutions in which the pedagogical courses are pursued attests that the requirements above stated have been fulfilled.

State Department of Education—Bulletin No. 99, July 10, 1906.

In pursuance of the above-mentioned principles, the State Board of Education has formulated the following rules for the granting of high school certificates:

1. High School Certificates may be issued under the provisions of Section 1521, subdivision 2(a), and Section 1775, subdivision 1(a) of the Political Code of California, as follows:

(a) To candidates who have received the Bachelor's Degree from a college requiring not less than eight years of high school and college training, and who submit evidence that in addition to the courses required for the Bachelor's Degree they have successfully completed at least one year of graduate study in a university belonging to the Association of American Universities; which year of graduate study shall include one half year of advanced academic

study (part of the time at least being devoted to one or more of the subjects taught in the high school) and such other time in a well-equipped training school of secondary grade directed by the Department of Education of any one of the Universities of the Association, as may be necessary to fulfill the pedagogical requirements prescribed by this Board.

(b) To candidates who have received the Bachelor's Degree from a college requiring not less than eight years of high school and college training, and who submit evidence that in addition to the courses required for the Bachelor's Degree they have successfully completed at least one half year of graduate study in a university belonging to the Association of American Universities; which half year of graduate study shall consist of advanced academic study (part of the time at least being devoted to one or more of the subjects taught in the high school); and six months as student teachers in a well-equipped school of secondary grade directed by a California State Normal School, or its recognized equivalent, under conditions conforming to the requirements prescribed by this Board as the minimum amount of pedagogy.

2. In lieu of the pedagogical training above prescribed, candidates may submit evidence showing that they are graduates of a California State Normal School or other Normal School officially recognized by this Board as of equivalent rank, or have taught with decided success as regular teachers or as principals at least twenty months in any reputable school, elementary or secondary; and *provided* that until July, 1908, the practical teaching prescribed may have been pursued in schools of grammar or secondary grade in connection with a California State Normal School or under the direction of the Department of Education of the University of California or of Leland Stanford Junior University, as evidenced by a certificate of proficiency.

3. The institution granting the Bachelor's Degree, the institution in which the post-graduate academic study is pursued, and the institution in which the pedagogical work is done shall each certify to the high character of the work accomplished under its direction and to the personal fitness of the candidate.

4. The above and foregoing rules shall take effect and be in force from and after August 1, 1906.

State Department of Education—Bulletin No. 99, July 10, 1906.

376. CALIFORNIA: Adding sec. 1892 to Political Code, 1903, relating to teachers' certificates.

Providing for the reissuance, without fee, of teachers' certificates lost or destroyed by conflagration or public calamity.

Chap. 47, June 14, 1906 (sp. sess.).

377. FLORIDA: Amending sec. 1, chap. 5204, Acts, 1903, relating to the certification of teachers.

Permitting county superintendent to hold special examinations and issue temporary certificates.

Chap. 5391 (No. 20), May 24, 1905.

378. IDAHO: Amending sec. 4, page 86, Laws, 1899 (sec. 1009, Political Code, 1899), relating to state certificates and diplomas.

Making possession of first-grade county certificate a prerequisite to the receiving of a certificate, and of a state certificate to receiving a state diploma.

Prescribing fees: state certificate, five dollars; state diploma, ten dollars. Fees to be used to aid county teachers' institutes.

. H. B. No. 100, Page 83, Mar. 9, 1905.

379. ILLINOIS: Repealing sec. 29, art. 6, page 239, Laws, 1889, permitting cities of thirty to one hundred thousand population to examine and license public school teachers.

Page 383, May 12, 1905.

380. ILLINOIS: Amending sec. 3, art. 7, page 239, Laws, 1889, relating to county teachers' certificates.

Making civics and Illinois history additional subjects for examination.

Page 383, May 12, 1905.

381. ILLINOIS: Amending sec. 2, art. 7, Laws, 1889, relating to state teachers' certificates, and sec. 7, art. 7, Laws, 1889, relating to the holding of quarterly teachers' examinations by county superintendents.

Granting state certificates only upon examination and providing for their registration by the county superintendent.

Page 384, May 12, 1905.

382. \* IOWA: Repealing secs. 2632, 2734, 2735, 2736, 2737 of Code, 1897, and secs. 2734, 2736, 2737 of Code supplement, 1902, relating to county superintendent and examination and certification of teachers.

Defines duties of county superintendents; provides for the examination and certification of teachers for the public schools, the classification of teachers' certificates, the registration and conditions of revocation of the same.

Chap. 122, Apr. 5, 1906 (Oct. 1, 1906).

383. KANSAS: Authorizing the revocation of any teacher's certificate by the board granting it for cause that would have justified withholding at the time of issue.

Chap. 392, Mar. 7, 1905.

384. KANSAS: Repealing sec. 2, chap. 424, Laws, 1903, relating to the granting of county teachers' certificates.

Examinations to be given in other counties or at state educational institutions. Conditions and fees for examinations.

Chap. 391, Mar. 9, 1905.

385. KENTUCKY: Amending sec. 4425, Statutes, 1903, relative to examinations for teachers' county and state certificates and state diplomas.

All applicants for certificates and diplomas to subscribe to an oath exonerating themselves from the possession of any previous knowledge of the questions to be used at the examinations. Copy of oath to be preserved as a public record.

Chap. 29, Mar. 18, 1906.

386. KENTUCKY: Amending and reenacting sec. 4426, Statutes, 1903, relative to illegal granting of teachers' certificates and the illegal disposition of questions for teachers' examinations.

\* \* \* Any county superintendent or county examiner who shall knowingly grant to any immoral person, or to any person under the prescribed age, a certificate to teach in the common schools shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars for each offense.

Any county superintendent, county examiner, printer, officer of state or county, or any other person who shall sell, barter, give, or furnish or procure to be sold, bartered, given, or furnished, to any applicant for a certificate to teach in the public schools, or to any other person,

any question or questions prepared or sent out by the state board of examiners for the examination of persons applying for such certificates, or in any way dispose of such question or questions, except in the manner provided by law, shall be guilty of a felony, and shall, upon conviction, be punished by confinement in the state penitentiary not less than one year nor more than two years. \* \* \*

Chap. 39, Mar. 16, 1906.

387. \* **LOUISIANA**: Relating to state teachers' certificates and state board of examiners.

Defining a state teacher's certificate and providing for conditions of examination and issuance, and creating a State Board of Examiners.

Act No. 55, July 2, 1906.

388. **MAINE**: Duties of school superintending committee as to examination of teachers.

*See No. 92.*

389. **MICHIGAN**: Amending sec. 4811, Compiled Laws, 1897 (sec. 4, no. 137, Public Acts, 1891), relating to the time of holding regular county teachers' examinations and regulating the time and number of special examinations.

Act No. 99, May 10, 1905.

390. **MICHIGAN**: Amending secs. 4812, 4813, 4815, and 4817, Compiled Laws, 1897 (secs. 5, 6, 8, 10, no. 147, Public Acts, 1891), relating to the conditions for the granting of teachers' certificates by county board of school examiners; the duties of the county commissioner of schools; compensation of county commissioner of schools and county school examiners.

Act No. 148, June 1, 1905.

391. \* **NEBRASKA**: Repealing secs. 11111, 11112, 11113, 11114, 11115, 11139, 11140, Annotated Statutes, 1903, and enacting substitutes; repealing and reenacting with amendments sec. 11180, Annotated Statutes, 1903, relating to the examination and certification of teachers.

Classifying certificates into state (professional, first grade, and elementary grade), county (first, second, and third grades), and city; prescribing requirements for each grade. Special requirements of normal school or professional training as prerequisite for county first and second grade certificates after Sept. 1, 1907. State superintendent of public instruction to prepare questions for all county and state examinations. Special examination fee.

Providing for certificates to graduates of state normal schools.

Special requirements for high school teachers and teachers in elementary schools of cities after Sept. 1, 1907.

**SEC. 18.** On and after September 1, 1907, no person shall be granted a certificate to teach in the high school department of any high school district, or in the high school department of any city school district in this state who is not a graduate from a regular four-year course of a college or university, or a graduate from the advanced course of a college, university or normal school in this state authorized by law to grant teachers' certificates, or who does not hold a professional state certificate obtained from the state superintendent on examination before him or a committee appointed by him as provided by law.

**SEC. 19.** On and after September 1, 1907, no person shall be eligible to teach in the grades below the high school department in any high school district or in the grades below the high school department in any city school district in this state who does not hold at least a second grade county certificate issued in Nebraska.

Chap. 135, Mar. 30, 1905. (Oct. 1, 1905.)



392. NEVADA: Amending sec. 1352, Compiled Laws, 1900 (sec. 1, chap. 92, Statutes, 1893), relating to teachers' examinations.

Extending period of duration of examination for county teachers' certificates from three to four days.

Chap. 43, Mar. 7, 1905.

393. \* NEW MEXICO: Providing for the issuance of territorial teachers' certificates by Territorial Board of Education, and prescribing the conditions thereof.

Sec. 1, Chap. 73, Mar. 14, 1905.

394. NEW MEXICO: Amending, in minor manner, sec. 2, chap. 27, Acts, 1901, relating to teachers' examination and certificates.

Sec. 3, Chap. 73, Mar. 14, 1905.

395. \* NEW MEXICO: Authorizing Superintendent of Public Instruction and county superintendents to issue temporary teachers' certificates.

Sec. 4, Chap. 73, Mar. 14, 1905.

396. NEW MEXICO: Amending sec. 3, chap. 119, Acts, 1903, relating to time of examination for third-grade teachers' certificates.

Sec. 6, Chap. 73, Mar. 14, 1905.

397. NORTH CAROLINA: Amending, in minor manner, sec. 37, chap. 4, Laws, 1901, relating to examination and certification of teachers.

Sec. 9, Chap. 533, Mar. 6, 1905.

398. NORTH DAKOTA: Amending secs. 737, 738, 739, 741, 742, and 744, Revised Code, 1899, relating to the certification of teachers.

Chap. 107, Mar. 13, 1905.

399. OHIO: Amending sec. 4071a, Revised Statutes, 1905, relating to questions for examinations for county teachers' certificates.

Questions to be printed by State Commissioner of Common Schools (previously prepared by State Commissioner and printed by county board of examiners). Constituting possession of questions prior to distribution a misdemeanor.

H. B. No. 306, Page 228, Apr. 2, 1906.

400. OKLAHOMA: Amending sec. 6203, Revised and Annotated Statutes, 1903, relating to the examinations for teachers' certificates.

County board of examiners to hold examinations on *last Thursday and Friday* (formerly last Friday and Saturday) of January, October, April, and at the close of the county normal institute.

Chap. 33, Art. 5, Mar. 10, 1905.

401. SOUTH DAKOTA: Amending secs. 2284 and 2285, Revised Political Code, 1903, and secs. 2286, 2287, 2288, 2289, and 2290, Revised Political Code, 1903, as amended by chap. 132, Laws, 1903, relating to the examinations, credentials, fees, etc., for state certificates and life diplomas.

Chap. 99, Mar. 11, 1905.

402. \* UTAH: Repealing secs. 1794-1798, Revised Statutes, 1898, and amendatory acts relating to examinations of county school teachers, and enacting a substitute.

Abolishing county board of examiners; examinations to be held by county superintendent under authorization of State Board of Education; State Board to prepare questions and grade all answer papers. County certificates to be valid in any county in state. Providing for assistants to State Board of Education for preparation of questions and grading of answer papers. Misdemeanor to disclose questions.

Chap. 71, Mar. 9, 1905.

403. VERMONT: Amending and adding to sec. 662, Statutes, 1894, relating to temporary permits to teach.

Authorizing town superintendent to hold examinations for issuing permits to teach in schools of the town for not more than fourteen weeks. Limitations.  
Act No. 35, Dec. 8, 1904 (Apr. 1, 1905).

404. VIRGINIA: Amending sec. 1476, Code, 1904, relating to teachers' certificate of qualification.

Discontinuing issuance of certificates to teachers after July 1, 1906, by division superintendents, and providing for their issuance after that date by the State Board of Examiners and Inspectors.

Chap. 248, Page 441, Mar. 15, 1906.

405. WASHINGTON: Amending sec. 145, Code of Public Instruction (sec. 2415, Annotated Codes and Statutes, 1897), relating to applicants for teachers' certificates receiving required percentage in part of designated subjects.

Repealing provisions exempting applicants for third-grade certificates.

Sec. 4, Chap. 56, Mar. 3, 1905.

406. WISCONSIN: Amending chap. 27, Statutes, 1898, relating to fees paid by teachers.

Striking out secs. 461e, 461f, 461h, 461j, thereby abolishing the one-dollar fee to be paid by applicants for teachers' certificates; and striking out portion of sec. 461g, requiring the county superintendent to pay over to his successor all moneys thus remaining in his hands at the expiration of his term of office.

Chap. 52, Mar. 29, 1905.

#### (c) Teachers' Examinations and Certificates: Special.

407. CALIFORNIA: Amending sec. 1775, Political Code, 1903, relating to the granting of certificates by county boards of education.

Provides for kindergarten-primary certificates under certain conditions, without examination.

Chap. 383, Mar. 20, 1905.

408. MICHIGAN: Amending no. 166, Public Acts, 1901, defining legal qualifications of kindergarten, music, and drawing teachers.

Provision added for music teachers' certificate for person having had two years' private tuition and who passes satisfactory examination by the musical director of any Michigan state normal school.

Act No. 24, Mar. 20, 1905.

409. OREGON: Authorizing State Board of Education to issue certificates to teachers of special subjects without examination.

Sec. 4, Chap. 210, Feb. 22, 1905.

410. VERMONT: Providing for special teachers' certificates.

Special certificates of different grades to be granted by examiners, subject to approval of Superintendent of Education, without examination, to teachers of primary schools, teachers of singing, drawing, and special subjects in secondary schools, and to teachers of special subjects and arts in public schools, on account of successful experience.

Act No. 33, Nov. 30, 1904.

411. WASHINGTON: Amending sec. 137, Code of Public Instruction (sec. 2407, Annotated Codes and Statutes, 1897), relating to teachers' diplomas and certificates.

Authorizing the issuance of temporary certificates by superintendent of schools of cities having more than ten thousand population, and the issuance of special kindergarten certificates by county superintendent of schools.

Sec. 2, Chap. 56, Mar. 3, 1905.

412. WISCONSIN: Adding to chap. 27, Statutes, 1898, four new sections:

458 (i). Authorizing the state superintendent to countersign diplomas and issue state certificates to persons supervising work in the public schools or teaching in colleges or normal schools, otherwise legally qualified under existing statutes, or who are recommended by the state board of examiners.

458 (j). Authorizing the state superintendent to issue a special temporary license, good only until the next meeting of the examiners, for the sole purpose of allowing a salary to said teacher for services rendered.

458 (k). Authorizing the state superintendent to grant a special certificate on recommendation of the examiners, qualifying the holder to teach special branches.

458 (l). Authorizing, on recommendation of the examiners, the issuance of a limited special certificate, qualifying the holder to teach one special branch in one particular school or district named.

Chap. 231, May 22, 1905.

413. WISCONSIN: Amending chap. 222, Laws, 1903, relating to the renewal of certificates of primary teachers in certain cases without examination.

Chap. 248, May 25, 1905.

(d) Teachers' Certificates: Validity; Endorsement; Registration; Revocation.

414. KANSAS: Repealing, and reenacting with amendments, sec. 1, chap. 425, Laws, 1903, relating to the endorsement of county teachers' certificates in the several counties of the state.

Removing conditions as to contiguity of counties in the case of endorsement of second and third grade certificates; thus making certain teachers' certificates, when endorsed by county superintendent, valid in any county of state.

Chap. 393, Feb. 25, 1905.

415. \* KANSAS: Requiring registration of state teachers' certificates, state diplomas, state normal diplomas, and certificates by county superintendents or clerks of municipal boards of education, and providing for the reporting of such registrations to the State Board of Education.

Chap. 394, Feb. 25, 1905.

416. MINNESOTA: Providing for the registration of teachers' certificates and diplomas with county superintendent as a qualification to teach.

Chap. 137, Apr. 11, 1905 (Jan. 1, 1906).

417. SOUTH DAKOTA: Amending sec. 2294, Revised Political Code, 1903, relating to the qualifications of teachers and the validity of county certificates.

Chap. 100, Mar. 10, 1905.

418. UTAH: Amending sec. 1844, Revised Statutes, 1898, relating to obligatory attendance of teachers upon teachers' institutes and the revocation of certificate in case of neglect or refusal to attend.

Revocation to be made by State Board of Education instead of county board of examiners (abolished by chap. 71, Laws, 1905).

Chap. 72, Mar. 9, 1905.

**(c) Teachers' Certificates; Recognition of Normal School and College or University Diplomas.**

The enactments giving certification values to normal school and college, or university, diplomas are in a direction now well recognized in our recent educational practice. The measures below are chiefly in those states that are beginning to attach added importance to educational and professional foundations of the teachers' equipment.

419. **ARKANSAS:** Recognizing diploma from the teachers' training department of the University of Arkansas as a license to teach in any public school in the state.

After six years diploma may be converted into life certificate upon approval by the state superintendent of public instruction.

Act No. 343, May 11, 1905.

420. **IDAHO:** Providing for the issuance, by the State Superintendent of Public Instruction, of a state teachers' certificate to certain graduates of the University of Idaho.

[Certificates to be granted to] every graduate from the University of Idaho, receiving either the degree of bachelor of arts or bachelor of science, who has finished a two years' course in the department of pedagogy or who has taught successfully in the public schools of the state for five years, and who is recommended by the professor or instructor of pedagogy of said institution.

H. B. No. 156, Page 169, Mar. 8, 1905.

421. **KENTUCKY:** Providing for the proper recognition of the proficiency acquired by students attending the normal department of the agricultural and mechanical college.

Degree of bachelor of pedagogy, equivalent to a life certificate to teach in the public schools of state. Completion of other courses of study in the normal department entitles to state diploma or state certificate. Attendance upon summer session of normal department relieves teachers from requirement to attend institute.

Chap. 92, Mar. 21, 1906.

422. **LOUISIANA:** Amending sec. 53, Act No. 214, Laws, 1902. relating to the requirements for first-grade teacher's certificate.

Providing that graduates of all institutions of learning authorized by state law to confer diplomas be exempt from examinations in such courses as the president of institution shall certify have been completed, excepting theory and art of teaching.

Act No. 133, Page 222, July 10, 1906.

423. **LOUISIANA:** Amending sec. 59, Act No. 214, Laws, 1902, relating to recognition of diplomas of certain institutions as first-grade teachers' certificates.

Recognizing, in addition to diplomas from Peabody Normal School, Nashville, Tenn., and diplomas from State Normal School, the diplomas from department of Philosophy and Education of State University and diploma from New Orleans City Normal School.

Act No. 133, Page 222, July 10, 1906.

424. **MARYLAND:** Repealing and reenacting with amendments sundry sections of chap. 63, Acts, 1896, relating to the issuance of teachers' certificates to graduates of the department of pedagogy of Washington College.

Chap. 204, Mar. 30, 1906.

425. OKLAHOMA: Amending sec. 3404, Statutes, 1893 (6444, Revised and Annotated Statutes, 1903), relating to normal school certificates.

Examinations for first, second, and third grade certificates to be held each year at closing session of the normal schools. Examination fee of two dollars. Certificates awarded valid in county wherein school is located.

Normal school diploma a life certificate valid in any public school of territory.  
Chap. 25, Art. 1, Mar. 15, 1905.

426. \* SOUTH CAROLINA: Amending sec. 1200, Civil Code, 1902, relating to teachers' certificates.

Providing for approval by State Board of Education of curriculum and equipment of institutions whose diplomas are recognized in lieu of examinations for teachers' certificates.

Act No. 25, Feb. 17, 1906.

427. WASHINGTON: Amending sec. 141, Code of Public Instruction (sec. 2411, Annotated Codes and Statutes, 1897), relating to the requirements for teachers' certificates.

Providing for first-grade *primary* certificates; providing for common school certificates to graduates of higher state educational institutions and those of similar grade.

Sec. 3, Chap. 56, Mar. 3, 1905.

#### (f) Teachers' Associations.

428. IOWA: Repealing sec. 137, Code, 1897, relating to the publication and distribution of the proceedings of the Iowa state teachers' association, and enacting a substitute therefor.

SECTION 1. \* \* \* That there shall be published annually by the state, under the supervision of the superintendent of public instruction, a sufficient number of copies, such number to be fixed by the executive council, of not to exceed three hundred (300) pages each, of the proceedings of the state teachers' association, to be distributed as follows: One copy each to the governor, lieutenant-governor, auditor of state, secretary of state, treasurer of state, each member of the general assembly, each enrolled member of the state teachers' association, each public library in the state; one hundred copies for the executive council for reserve and one hundred (100) copies for distribution by the state superintendent of public instruction.

Chap. 6, Mar. 30, 1906.

429. MASSACHUSETTS: Amending sec. 4, chap. 40, Revised Laws, 1902, as amended by chap. 383, Acts, 1904, relating to county associations of teachers.

Certificate of meeting, necessary for state aid, to be filed with Board of Education instead of the governor. Provision relating to meetings of Dukes County educational association.

Chap. 260, Apr. 5, 1905.

430. MISSOURI: Amending sec. 9960, page 270, Laws, 1903, relating to the renewal of teachers' certificates.

County commissioner *may*, instead of *shall*, organize county teachers' associations.

Page 301, Mar. 31, 1905.

## F. TEACHERS: EMPLOYMENT, ETC.

## (a) Employment; Contract; Appointment; Dismissal.

The enactments grouped under this heading vary widely in their aim apparently, yet all possess a common characteristic which justifies their classification in this manner. That of Massachusetts (432) offers a wide scope of new activity for the State Board of Education, providing it meets with a response from teachers and school officers. The amendment to the statute of New Hampshire (434) seems to be a move in the right direction for the protection of teachers from hasty or ill-considered action on the part of employing boards of education. On the other hand, the enactments of Oklahoma (436) and Oregon (437) ought to serve to protect the schools and boards of education from those teachers upon whom the obligations of a contract rest lightly. If, in the light of the present-day experiences, one may be permitted to pass an opinion, it would be that both boards of education and teachers are in need of legislative protection and prohibitions in this matter of contract obligations.

431. CONNECTICUT: Exempting from payment of license fee under provisions of chap. 259, General Statutes, 1902, employment agencies supplying positions only in educational institutions.

Chap. 148, June 22, 1905.

432. MASSACHUSETTS: Relating to the employment of public school teachers thru the State Board of Education.

SECTION 1. Any person desiring to teach in the public schools of this Commonwealth may, on payment of a fee of two dollars, file with the State Board of Education an application in writing stating the kind and grade of the school desired and the experience and training of the applicant, and may file with such application any evidence of the applicant's character and qualifications.

SECTION 2. It shall be the duty of the Board to receive such applications, to make lists of the same arranged for convenient reference, and on request of superintendents of schools and school committees of cities and towns to furnish all reasonable information about such applicants. The board may make reasonable rules and regulations relating to the filing of applications and the giving of information as above provided.

Chap. 399, May 21, 1906.

433. MINNESOTA: Qualifications of teachers in state-aided rural schools.

See No. 227.

434. \* NEW HAMPSHIRE: Amending secs. 3 and 4, chap. 92, Public Statutes, 1901, relating to the dismissal of teachers.

Substituting *immoral or incompetent for unsuitable or incompetent* as causes for dismissal: providing that before dismissal teachers shall have had previous notification and have had full and fair hearing.

School district liable for violation of provision of act, and teacher may recover full salary for wrongful dismissal.

Chap. 59, Mar. 9, 1905.

435. NEW HAMPSHIRE: Amending sec. 4, chap. 77, Laws 1899, relating to supervision of schools in cities and towns.

Districts formed of less than *three towns or special school districts* for purposes of supervision shall employ not fewer than twenty nor more than sixty teachers.

Chap. 115, Mar. 10, 1905.

436. OKLAHOMA: Amending sec. 6187, Revised and Annotated Statutes, 1903, relating to the employment of teachers.

Teachers' contract with district board binding until legal release by board. Until such release teacher may not make valid contract with any other district board or board of education.

Chap. 33, Art. 2, Mar. 13, 1905.

437. OREGON: Requiring teachers in the public schools to give thirty days' notice upon resigning their positions.

That all teachers in the public schools of this state who shall willingly violate the terms of his or her contract for teaching by resigning his or her position as teacher without a written notice given to the school board at least thirty days before the time when the resignation shall take effect, shall have his or her certificate revoked by the authorities issuing same upon due notice from the school board, and shall be disqualified from teaching in the public schools of this state for the remainder of the school year: *Provided*, That sickness or other unavoidable circumstances which prevent the teacher from teaching one month shall be sufficient reason for the termination of the contract without the notice herein required on the part of the teacher: *And provided further*, That a school board may release a teacher from a contract by mutual agreement.

Chap. 42, Feb. 9, 1905.

438. VIRGINIA: Amending sec. 1531, Code, 1904, relating to apportionment of state funds to public free schools in cities and towns.

Striking out clause relating to nepotism as regards employment and payment of teacher (see amended sec. 1466, page 439, Chap. 248, Laws, 1906).

Chap. 293, Page 513, Mar. 17, 1906.

#### (b) Teachers' Salaries.

The movement for better salaries for public school teachers thru the establishment of minimum salary schedules is slowly gaining headway. No less than four states (Indiana, Maryland, Pennsylvania, West Virginia) had, previously to the period here under consideration, enacted laws fixing a minimum salary standard. The two principal enactments of the following group—North Dakota (441) and Ohio (442), and the amendment to the law already in force in West Virginia (444), are encouraging features for the movement, which promises much for the elevation of the standards of teaching, particularly in the schools of rural communities.

439. DELAWARE: Amending par. 3, sec. 27, chap. 67, Laws 1898, relating to salaries of teachers.

Increases limit of salary of teachers in unincorporated school districts from thirty-five to forty dollars per month.

Chap. 89, Mar. 16, 1905.

440. LOUISIANA: Relating to the issuance of bonds in payment of salaries of school teachers.

See No. 280,

441. \* NORTH DAKOTA: Amending sec. 695, Revised Code, 1899, relating to the employment and salaries of teachers in district schools.

\* \* \* No teacher holding a second-grade certificate shall receive less than forty-five dollars per month on and after the passage and taking effect of this act. \* \* \*

Sec. 5, Chap. 100, Mar. 13, 1905.

442. \* OHIO: Providing for minimum salary of public school teachers.

SECTION 1. That no person shall be employed to teach in any public school in Ohio for less than forty dollars (\$40) a month; and that when any school district in Ohio has not sufficient money to pay its teachers forty dollars per month for eight months of the year, after the Board of Education of said district has made the maximum school levy authorized by law, three-fourths of which shall be for the tuition fund, then said school district is hereby authorized to receive from the state treasury sufficient money to make up this deficiency. Any Board of Education having such a deficit shall make affidavits to the county auditor, who shall send a certified statement of the facts to the state auditor. The state auditor shall issue a voucher on the state treasurer in favor of the treasurer of said school district for the full amount of the deficit in the tuition fund.

SECTION 2. No district shall be entitled to State aid as provided in section 1 of this act, unless the number of persons of school age shall be at least twenty times the number of teachers employed in said district.

S. B. No. 103, Page 200, Apr. 2, 1906.

443. VIRGINIA: Provisions governing payment of salary to properly qualified and certificated teachers.

*See No. 122.*

444. WEST VIRGINIA: Amending sec. 6, chap. 45, Code, 1899, as amended by chap. 70, Acts, 1901, relating to salaries of teachers.

Increasing the minimum salaries to be paid to teachers of different grades.

Chap. 69, Feb. 21, 1905.

### (c) Teachers' Pensions.

No new measures establishing pensions can be recorded during the past two years, save those creating teachers' retirement funds in the cities of Rochester (451), and Troy (453), New York.

The amendments to existing laws relating to retirement plans and funds are significant. Maryland (445) modifies her law in a way which seems to attach to it a distinct charity principle. New Jersey (447), and Ohio (454), both revise their pension laws in important particulars.

445. MARYLAND: Repealing and reenacting with amendments sec. 58, art. 77, Public General Laws, 1904, relating to teachers' pensions.

In addition to other conditions of length and quality of service, teacher must be "without the means of comfortable support"; also must be recommended by board of county commissioners.

Chap. 475½, Apr. 3, 1906.

446. NEW JERSEY: Supplementing chap. 1, art. 25, Acts, 1903 (sp. sess. Oct. 15), relating to teachers' retirement fund.

Appropriating \$1,500 for the purpose of administration of fund.

Chap. 95, Apr. 3, 1905.



447. NEW JERSEY: Amending sec. 1, chap. 16, Acts, 1903, relating to pensions for public school teachers.

1. Any teacher, principal, or superintendent who shall have been employed in the public schools of this state not less than *thirty-five* years (forty in act of 1903) shall, upon application to the Board of Education, or by resolution of the Board of Education, having charge of the schools of the district in which such teacher, principal, or superintendent shall be employed, be retired from duty on half the average annual salary during the last five years of service: *Provided*, Such teacher, principal, or superintendent shall have been employed at least twenty years in the district in which he or she shall be retired.

2. The body having charge of the finances of said district shall make provision for and the Board of Education shall make such payments at the same time and in the same manner as to teachers regularly employed.

Chap. 103, Apr. 12, 1906.

448. NEW JERSEY: Amending secs. 213-224, inclusive, art. 21, chap. 1, Acts, 1903 (sp. sess. Oct. 15), relating to teachers' retirement fund.

Providing for a revision of the membership of board of trustees of fund; organization, officers, and duties; constitution of fund; method of making payments to annuitants.

Chap. 314, June 13, 1906.

449. NEW YORK: Amending the charter of Greater New York, chap. 466, Laws, 1901, by adding section relating to teachers' retirement fund.

Exempting from levy and sale by virtue of execution all pensions or annuities payable out of public school teachers' retirement fund.

Chap. 107, Mar. 30, 1905.

450. NEW YORK: Amending sec. A, tit. 12, chap. 105, Laws, 1891, as added to by chap. 928, Laws, 1896, relating to public school teachers' retirement fund of city of Buffalo.

Concerning composition of board of trustees.

Chap. 192, Apr. 11, 1905.

451. NEW YORK: Establishing pension fund for retired school-teachers in city of Rochester and providing for the management of the fund.

Chap. 608, May 25, 1905 (Sept. 1, 1905).

452. NEW YORK: Amending sec. 1092, charter of greater New York, as amended by chap. 530, Laws, 1902, and chap. 177, Laws, 1903, relating to public school-teachers' retirement fund.

Chap. 661, May 31, 1905.

453. NEW YORK: Establishing a pension fund for public school-teachers of Troy, N. Y., and regulating the collection, management, and conditions of payment.

Chap. 305, Apr. 24, 1906.

454. OHIO: Amending sec. 3897d, 3897e, 3897k, and 3897l, Revised Statutes, 1905, relating to pensions for school-teacher.

Limiting annual pension to \$300 (previously \$500). Prohibiting payment of principal of donations, gifts, bequests, etc., for pensions.

Deductions from salaries of teachers on account of absence or tardiness to be paid into pension fund.

Board of education shall pay semiannually into pension fund not less than one nor more than two per cent of gross taxation receipts.

H. B. No. 212, Page 157, Mar. 31, 1906.

**G. TEACHERS: PROFESSIONAL TRAINING AND EDUCATION.****(a) University Departments and Schools of Education.**

Besides the minor administrative changes recorded, the legislation of the period indicates clearly enough that there is throughout the entire country a large and continually growing interest in those institutions and activities established for the professional training and education of teachers. No better evidence of the interest can be produced than those legislative enactments creating institutions and departments of collegiate and university rank for the purpose of affording training and education of a specialized and advanced type for those preparing to teach in secondary schools, or to enter upon the larger work of administration and supervision of education.

The three measures classified under this heading mark the beginning of a movement in the states concerned that is rapidly becoming characteristic of the attitude of the more progressive states toward the problem of providing adequately trained teachers for the higher work of the public school system.

455. MINNESOTA: Providing for the establishment of a teachers' college or department of pedagogy in the University of Minnesota.

SECTION 1. That it shall be the duty of the board of regents to organize and establish in the University of Minnesota as soon as practicable a teachers' college or department of pedagogy, for the purpose of affording proper professional training for those persons who intend to become public and high school instructors, principals, and superintendents of schools.

Chap. 120, Apr. 7, 1905.

455a. OHIO: Permitting Ohio State University to establish a teachers' college.

*See No. 682.*

456. TENNESSEE: Providing for the establishment of a college for the higher education of teachers.

Providing for the appropriation of \$25,000 annually for ten years, to be expended and used in conjunction with one million dollars, applied by the trustees of the Peabody Education Fund, for the purpose of establishing at Nashville a college for the higher education of white teachers for the southern states. The George Peabody College for Teachers to be the successor of the present Peabody Normal college.

Chap. 211, Apr. 8, 1905.

**(b) State Normal Schools.**

The past two years have witnessed the establishment of a normal school system in Kentucky (463), the creation of a state normal school from a former county normal school in Maine (465), the establishment of two additional normal schools in Missouri (468-469), a large appropriation for the rebuilding of the burned Albany State Normal College in New York (471), and the preliminary steps for the establishment of a new normal school in Wisconsin (474). Two states, Delaware (458) and Illinois (460), have sought to encourage attendance upon their normal schools by extending the system of scholarships for students. Kansas (462) has recognized the importance of an adequate professional education for teachers by granting authority for a three-year course at

the normal school. Vermont (472) has increased the annual appropriations for normal schools. The measure enacted in Montana (470) for the benefit of the state normal college was declared to be unconstitutional. Minnesota (466) settled the disputed question of jurisdiction over the affairs of the normal schools by giving definite authority to the normal school board.

The legislation regarding normal schools was, in the main, unimportant, aside from that establishing new schools. This, however, is significant in itself of the continued response of the states to the demand for more and better prepared teachers.

457. CALIFORNIA: Amending sec. 1489, Political Code, 1903, relating to powers and duties of boards of trustees of state normal schools.

Makes discretionary the establishment of kindergarten model and training schools; annual reports of boards of trustees to be submitted to Superintendent of Public Instruction instead of the Governor.

Chap. 31, Feb. 28, 1905.

458. DELAWARE: Amending sec. 2, chap. 341, Laws, 1903, relating to the encouragement of the professional education of teachers at state normal schools.

Extends provisions so as to permit *each* of the county school commissioners to select persons for normal school scholarships who are residents of the state (previously county), subject to approval of superintendent of schools in county of residence.

Chap. 90, Mar. 20, 1905.

459. IDAHO: Amending sec. 2, page 228, Laws, 1899 (sec. 963, Political Code, 1901), relating to appointment and term of board of trustees of Albion State Normal School.

Increasing board from five to *six* members, to be appointed by governor. No more than four (previously three) members of same political party. New board in existence March 1, 1905. (Note: State Superintendent a member of board. Page 222, Laws, 1903).

H. B. No. 129, Page 129, Feb. 27, 1905.

460. ILLINOIS: Repealing sundry sections of acts relating to scholarships at state normal schools.

Aiming to equalize the advantages of the state normal schools; scholarships awarded to each school township.

Page 379, May 12, 1905.

461. IOWA: Amending sec. 2680, Code, 1897, relating to reports of state normal schools.

Provision relating to biennial report for 1906.

Chap. 125, Mar. 30, 1906.

462. KANSAS: Granting to the Board of Regents of the state normal school authority to prescribe a three-year course for the training of teachers and to issue certificates and diplomas upon completion of the same.

Chap. 383, Mar. 4, 1905.

463. KENTUCKY: "An act to establish a system of state normal schools in Kentucky; to create a board of regents for the management thereof; to create a normal executive council, which shall determine the requirements for admission and graduation and the courses of study for said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance."

Two normal schools established and a board of five (including state superintendent) for each appointed by the governor for a term of four years. No more than three members of any of these boards to belong to same political party. Normal Executive Council composed of superintendent of public instruction and the president of each normal school. Diploma from "advanced course" a qualification to teach in any county in state; certificate from elementary

course a qualification to teach specified branches for two years. President, professors, or teachers not to be removed without specific cause and due notice; right of defense before board.

Ten pupils from each legislative district, selected by examination by county superintendents, under direction of Normal Executive Council, entitled annually to gratuitous instruction, provided candidates sign declaration to teach in public schools of the state not fewer than three years.

Donated sites to be selected by commission; \$10,000 appropriated for buildings and grounds; \$40,000 annually for salaries and other expenses.

Chap. 102, Mar. 21, 1906.

464. MAINE: Amending sec. 113, chap. 15, Revised Statutes, 1903, relating to the number of trustees of state normal schools.

Increasing number from seven to eight; and six instead of five to be appointed by the governor.

Chap. 11, Feb. 16, 1905.

465. MAINE: Amending chap. 223, Private and Special Laws, 1903, establishing a county normal school at Presque Isle in the county of Aroostook.

Name changed from Aroostook *County* to Aroostook *State normal school*.

Chap. 313 (private laws), Mar. 21, 1905.

466. MINNESOTA: Divesting the state board of control, with the exception of authority over financial matters relating to erection and construction of new buildings, purchase of fuel and placing of insurance, of jurisdiction and authority over the state university and state normal schools, and providing for the financial management of the state university by the board of regents and the state normal schools by the state normal school board as prior to April 1, 1901 (Chap. 122, Laws, 1901).

Chap. 119, Apr. 7, 1905.

467. MISSISSIPPI: Donating and transferring the property of the State Normal School for colored pupils at Holly Springs to the branch Agricultural Experiment Station at the same place.

Chap. 146, Mar. 1, 1906.

468. MISSOURI: Establishing Fourth District Normal School, providing for a commission upon location and a governing board of regents.

Page 297, Mar. 17, 1905.

469. MISSOURI: Establishing the Fifth District Normal School, providing for a commission upon location, and a governing board of regents.

Page 299, Mar. 25, 1905.

470. MONTANA: Enabling the Normal School Land Grant to be further utilized in providing additional buildings and equipment for Montana State Normal College.

SEC. 5. It shall be the duty of the state treasurer to keep all moneys derived from the sale, leases, or sale of timber from the state normal school lands, as hereinbefore mentioned, in a separate fund, to be known and designated as "The State Normal School Fund," and out of the moneys of such fund he shall pay, after the approval of the State Board of Examiners \* \* \*

Chap. 3, Page 5, Feb. 2, 1905.

MONTANA, 1906: Const., art. 11, sec. 12, provides that the funds of all state institutions of learning shall forever remain inviolate, and shall be respectively invested under such regulations as may be prescribed by law, and that the interest from such invested funds, etc., shall be devoted to the maintenance and perpetuation of such respective institutions; and

Laws, 1905, sec. 5, chap. 3, p. 5, provides that the state treasurer shall keep all moneys derived from the sale of timber from lands granted in aid of the state normal school in a separate fund from which he shall pay the interest on certain normal school bonds as it accrues and the principal at maturity. *Held*, that as soon as the treasurer receives any money from the sale of normal school bonds or timber, payable into the normal school fund, he is required to invest the same, and is authorized only to use the interest and the rents from leased lands for the maintenance of the school.

State v. Rice, 83 Pac. 874.

MONTANA, 1906: Such act (Laws, 1905, Chap. 3, p. 5) was in violation of Const., art. 11, sec. 12, requiring normal school funds so obtained to be invested and the income only used for the maintenance of the school.

State v. Rice, 83 Pac. 874.

471. NEW YORK: Appropriating \$350,000 for the rebuilding of State Normal College at Albany and providing for an exchange of sites with Albany Orphan Asylum; \$75,000 bonus to latter institution.

Chap. 435, May 14, 1906.

472. VERMONT: Amending sec. 6, No. 22, Acts, 1898, as amended by No. 18, Acts, 1900, relating to control and support of state normal schools.

Increasing annual appropriations to each of the state normal schools from \$5,500 to \$7,500.

Act No. 32, Dec. 1, 1904.

473. WASHINGTON: Amending secs. 215, 220, 221, 222, and 223, Code of Public Instruction (secs. 2546, 2551, 2552, 2553, 2554, Annotated Codes and Statutes, 1897), relating to normal schools.

Board of trustees to *adopt* the necessary text-books (previously adopt and provide). Repealing provision that diplomas and certificates must be signed by heads of departments. Tuition to be free to *all* students, excepting those not obligating themselves to follow vocation of teaching.

Prescribing courses of study of different duration and the certificates and diplomas awarded upon the completion thereof. Text-books and supplies may be provided. Provisions regarding library fee.

Chap. 85, Mar. 6, 1905.

474. WISCONSIN: Locating new state normal school at La Crosse.

Appropriating \$10,000 for purchase and improvement of site and preparation of plans, specifications, and estimates for organization and establishment of school. To be reported to legislature of 1907.

Chap. 121, Apr. 26, 1905.

475. WISCONSIN: Amending secs. 393 (as amended by chaps. 74 and 260, Laws, 1899, and chap. 166, Laws, 1901), 395, 398, and 401, Statutes, 1898, relating to organization, compensation, and conduct of business of the board of normal school regents.

Removing limitation as to the residence of more than one male regent in same congressional district; all moneys received by board to be paid to state treasurer; providing for methods of submitting accounts.

Chap. 168, May 3, 1905.

### (c) County and Local Normal and Training Schools.

Nowhere in the educational system is the pressing need of trained teachers felt more than in the rural school districts. The demand for qualified teachers in the villages and cities has exceeded the supply of graduates from the state

normal schools in most of the states. Even without this excess demand, under the conditions of low salaries and social isolation, the difficulty of making the district school position seem acceptable to those completing the regular state normal school courses has long been recognized.

Certain states have attempted to meet the need for better rural school teachers through the establishment of "county normal schools," or "county normal school training classes," where the students, who otherwise would go directly into the work of teaching, are given one year, more or less, of special training, calculated to fit them in large measure for the definite work of the rural schools. The classified legislation shows that two states, Michigan (476) and Wisconsin (478), have found this plan a useful one. Each of these states grants through recent legislation greatly increased assistance for the development of these schools.

476. MICHIGAN: Amending secs. 3, 4, 5, and 6 of no. 241, Public Acts, 1903, relating to the establishment, maintenance, and control of county normal training classes.

Discontinuing two year course; increasing state aid from \$250 per teacher employed to \$500; maximum of \$1,000 in any county.

Act No. 20, Mar. 16, 1905.

477. MICHIGAN: State superintendent to have control of normal training classes.

*See No. 19.*

478. WISCONSIN: Amending secs. 5 and 6, chap. 338, Laws, 1903, relating to county training schools for teachers (established, chap. 268, April 26, 1899).

Increasing from eight to twelve the number of county training schools which may, upon approval by state superintendent, receive state aid. Increasing proportion of state aid from one-half of amount of local expenditures to two-thirds; maximum aid to each school from \$2,500 to \$3,500. Limiting certificates granted to graduates without experience in teaching.

Chap. 509, June 20, 1905.

#### (d) Teachers' Institutes and Summer Schools.

The teachers' institute has always held an important place in the plans of the states for the elevation of the standards of teaching. The number and character of the enactments on this subject clearly indicate that these institutes and summer schools are to be developed in a larger way by no small number of the states. The establishment of annual county teachers' institutes in Arkansas (479), the provision for joint county institutes in California (481) and Maryland (486), the increased appropriations for the summer training schools for teachers in Florida (482) and Virginia (497), and the enactments in North Carolina (490), Oregon (492), and Tennessee (495) seem to offer abundant evidence of the trend of American education in this one particular.

There are several enactments that are indicative of the positive attitude recently assumed by several of the states regarding the conditions of attendance upon these institutes by teachers. Not only is the more or less usual provision as to compulsory attendance included in the measures in Kentucky (484), Montana (487), and Tennessee (494), but school boards must suspend the session of the schools during the time of the institute so as to permit attendance by teachers, who are not to suffer any reduction of salary on account of this suspension.

479. **ARKANSAS:** Providing for the improvement of the character of teaching in the state of Arkansas.

Establishes annual county institutes in the various counties for both white and colored teachers; state superintendent to outline work; all teachers must attend. Provides for endorsement and extension of teachers' certificates.

Act No. 311, May 1, 1905.

480. **CALIFORNIA:** Amending sec. 1560, Political Code, 1903, relating to teachers' institutes.

Provides for joint county teachers' institutes and limits sessions of the required special teachers' institutes in cities to "not less than three nor more than five days."

Chap. 57, Mar. 3, 1905.

481. **CALIFORNIA:** Amending sec. 1564, Political Code, 1903, relating to expenses of teachers' institutes.

Limits expenses of joint institutes to \$200 and increases maximum expense for regular county institutes from \$200 to \$300.

Chap. 148, Mar. 18, 1905.

482. **FLORIDA:** Providing for teachers' summer training schools and making appropriations therefor.

Whereas, the value of the public school system is measured by the character of the teachers employed; and whereas, teachers' summer training schools are recognized as among the most potent means of improving teachers, and as being the form of normal instruction which reaches the largest number of teachers and hence whose benefits are most widespread; and whereas the donation of aid from the Peabody fund which in the past has been so liberally granted each year by the lamented Dr. J. L. M. Curry, will doubtless be continued with equal liberality by the present management of said fund, provided the legislature will show its appreciation thereof by the appropriation of a larger sum. \* \* \*

\$5,000 appropriated for teachers' summer training schools during biennium 1905-1906.

Chap. 5385 (No. 14), May 24, 1905.

483. **ILLINOIS:** Amending sec 9, art. 7, page 239, Laws, 1889, relating to teachers' institute fund.

Providing for the disposal of any surplus in the fund thru defraying the expenses of general meetings of teachers of the county.

Page 385, May 12, 1905.

484. **KENTUCKY:** Amending sec. 9, chap. 63, Acts, 1902 (sec. 4510, Statutes, 1903), relative to attendance of teachers upon county institutes.

Schools shall be suspended during session of the institute, but no reduction of the teachers' salary shall be made on account of such suspension.

Chap. 35, Mar. 16, 1906.

485. **LOUISIANA:** Amending sec. 49, Act No. 214, Laws, 1902, relating to examination fees for teachers' certificates.

Providing that such fees shall be transmitted to the state superintendent and be placed to the credit of the state institute fund.

Act No. 133, Page 222, July 10, 1906.

486. \* MARYLAND: Repealing and reenacting with amendments sec. 80, chap. 584, Acts, 1904 (sec. 87, Public General Laws, 1904), relating to county teachers' institutes.

Authorizing joint institutes of two or more counties.

Chap. 356, Apr. 9, 1906.

487. \* MONTANA: Amending sec. 1903, Political Code, 1895, as amended by sec. 10, S. B. no. 44, 1897, relating to the attendance of teachers upon county teachers' institutes.

Making requirements more rigid and compelling boards of school trustees to close schools during session of institute.

Chap. 60, Mar. 2, 1905.

488. NEW MEXICO: Amending sec. 1, chap. 120, Acts, 1903, relating to teachers' institutes.

Limiting expenditure to fifty dollars in counties of third and fourth class.

Sec. 2, Chap. 73, Mar. 14, 1905.

489. NEW MEXICO: Providing that any person of good moral character, and who has a certificate of the first class, may be appointed as conductor of normal institutes.

Sec. 5, Chap. 73, Mar. 14, 1905.

490. \* NORTH CAROLINA: Amending sec. 26, chap. 4, Laws, 1901, as amended by sec. 10, chap. 435, Laws, 1903, relating to county teachers' institutes.

Increasing powers of state superintendent over county institutes, which are to be held *biennially*. Providing for support of institutes and compulsory attendance of teachers.

Sec. 5, Chap. 533, Mar. 6, 1905.

491. OKLAHOMA: Amending sec. 6292, Revised and Annotated Statutes, 1903, relating to fund for county normal institute.

County commissioners shall, upon recommendation of county superintendent, allow not to exceed one hundred dollars for support of normal institute. To supplement fund already derived from examination and registration fees.

Chap. 33, Art. 10, Mar. 4, 1905.

492. OREGON: Authorizing county school superintendents to hold local institutes and educational gatherings and to use a part of the institute funds for defraying expenses of the same.

Sec. 1, Chap. 210, Feb. 22, 1905.

493. PENNSYLVANIA: Regulating the time of holding city teachers' institutes.

Institutes may be held on any five days or any ten half days which city superintendents may select.

Act No. 164, Apr. 20, 1905.

494. TENNESSEE: Amending chap. 25, Acts, 1873, establishing uniform system of schools and relating to duties of state superintendent.

Providing that the schools of any county may be suspended for one day each year to permit teachers to attend teachers' conference. No deduction from teachers' salary.

Chap. 10, Jan. 30, 1905.

495. TENNESSEE: Relating to the training of teachers in summer institutes and summer schools.

Authorizing county courts, in counties of not less than 70,000 nor more than 90,000 population, to make appropriations from the public school fund for the professional education and training of teachers in summer institutes and summer schools.

Chap. 114, Mar. 31, 1905.



496. UTAH: Relating to the obligatory attendance of teachers upon teachers' institutes.

*See No. 418.*

497. \* VIRGINIA: Amending sec. 1481, Code, 1904, relating to teachers' meetings and summer schools.

Increasing annual appropriation for state summer schools from \$2,500 to \$5,000, provided that not fewer than eight be held annually.

Chap. 248, Page 441, Mar. 15, 1906.

498. WISCONSIN: Providing for the deficiency in the teachers' institute fund caused by the abolishment of the examination fee for teachers' certificate (chap. 52, Laws, 1905).

Appropriating \$9,000 and providing for the apportionment of the same to the various counties on basis of number of teachers employed. Defining competent institute conductor.

Chap. 476, June 20, 1905 (July 1, 1905).

## H. SCHOOL POPULATION AND ATTENDANCE.

### (a) General.

499. NORTH CAROLINA: Amending sec. 23, chap. 4, Laws, 1901, relating to closing of schools by reason of insufficient attendance.

To be closed only with approval of county superintendent of schools.

Sec. 4, Chap. 533, Mar. 6, 1905.

### (b) School Census.

The two factors—apportionment of school funds on the census basis, and the enforcement of compulsory educational laws—have apparently contributed to make the school census a more important element in the affairs of public education than formerly. While most of the legislation is of importance only in a minor way, by certain of the enactments, Michigan (503-504), Nevada (505), New Mexico (507), and South Dakota (511), steps have been taken to insure more accurate and reliable census returns.

500. CALIFORNIA: Amending sec. 1636, Political Code, 1903, relating to report of census marshals.

Permitting use of substitute census list when emergency or public calamity prevents the taking of the school census at the time specified by statute between fifteenth and thirtieth of April.

Chap. 34, June 14, 1906 (sp. sess.).

501. IOWA: Amending sec. 2764, Code, 1897, relating to the keeping of the register of persons of school age by the secretary of the board.

Register to be made in June instead of September.

Sec. 5, Chap. 136, Mar. 10, 1906.

502. IOWA: Amending sec. 2785, Code, 1897, relating to duties of directors in school townships.

Census to be taken between first and fifteenth days of June and report of same to be made on twentieth of June.

Sec. 9, Chap. 136, Mar. 10, 1906.

503. MICHIGAN: Amending sec. 4687, Compiled Laws, 1897, relative to manner of taking school census.

Act No. 36, Page 54, Mar. 29, 1905.

504. MICHIGAN: Amending sec. 4688, Compiled Laws, 1897, (sec. 22a, chap. 3, no. 164, Public Acts, 1881), relating to penalty for giving false information for school census.

Increasing penalty: fine and imprisonment.

Act No. 208, June 13, 1905.

505. NEVADA: Amending sec. 1303, Compiled Laws, 1900 (subdiv. 3, sec. 32, chap. 145, Statutes, 1865), relating to school census.

Report of school census marshal to be sent to and approved by clerk of district board of trustees before being transmitted to county superintendent of schools.

Chap. 45, Mar. 2, 1905.

506. NEW HAMPSHIRE: Amending chap. 46, Laws, 1895, as amended by chap. 86, Laws, 1903, relating to annual enumeration of children between five and sixteen years of age by truant officers.

Changing time for making enumeration from October to September.

Chap. 91, Mar. 10, 1905.

507. NEW MEXICO: Providing for the taking of school census, and compensation therefor. Penalty for false enumeration.

Chap. 23, Mar. 2, 1905.

508. NORTH CAROLINA: Amending sec. 17, chap. 4, Laws, 1901, relating to the duties of the township school committeemen.

Providing that township committee must take the census in their township by districts and may be paid two cents per name or one dollar per day for four days.

Sec. 17, Chap. 533, Mar. 6, 1905.

509. NORTH DAKOTA: Amending sec. 707, Revised Code, 1899, relating to annual school census.

Census to include ages and address of deaf and dumb, blind, and feeble-minded persons between ages of five and twenty-five. County superintendent to provide copies of enumeration of different classes of defectives to the superintendents of the respective state institutions.

Chap. 103, Mar. 13, 1905.

510. SOUTH DAKOTA: Amending sec. 396, Revised Political Code, 1903, relating to the apportionment of school funds.

Excluding from census enumeration pupils in model schools or in schools attached to any state normal school, or any other state school.

Chap. 158, Mar. 7, 1905.

511. \* SOUTH DAKOTA: Providing for school census upon which to apportion school moneys.

Annual school census of children between ages of six and twenty-one to be taken by clerk of school district and filed with county superintendent before first Monday in June. County superintendent to report enumeration to commissioner of school and public lands before July 1st. Penalties for false, inaccurate, or incomplete returns.

Chap. 64, Mar. 8, 1905.

512. VIRGINIA: Amending sec. 1462, Code, 1904, relating to school census.

Census to be taken in every school district by clerk of district board during month of April or May, 1910, and every five years thereafter.

Chap. 248, Page 439, Mar. 15, 1906.

## (c) School Year; Month; Day.

513. **FLORIDA**: Amending sec. 3, chap. 4196, Acts, 1893, relative to defining a school year and providing for the opening and closing of school terms.

County schools failing to hold full session to make up such lost time within next school year or forfeit financial apportionment.

Chap. 5386 (No. 15), May 31, 1905.

514. **IOWA**: Amending sec. 2773, Code, 1897, relating to the length of school year.

Year to commence on "first of July" instead of "third Monday in March."

Sec. 8, Chap. 136, Mar. 10, 1906.

515. **LOUISIANA**: Amending sec. 23, Act No. 214, Laws, 1902, relating to course of study and sessions of public schools.

Fixing the school week at five days and the school month at twenty days; monthly salaries of teachers to be paid accordingly.

Act No. 133, July 10, 1906.

## (d) School Holidays.

516. **ARIZONA**: Amending sec. 2709, Revised Statutes, 1901, relating to holidays.

When certain days set aside by statute as holidays fall on Sunday, the Monday following shall be a holiday.

Chap. 15, Feb. 21, 1905.

517. **MAINE**: Amending sec. 88, chap. 15, Revised Statutes, 1903, relating to school holidays and privileges thereof.

Adding the following to said section: "When any one of the above-named holidays falls upon a Sunday, the Monday following shall be observed as a school holiday with all the privileges applying to any of the days above named."

Sec. 14, Chap. 48, Mar. 11, 1905.

518. **NEW YORK**: Adding section to tit. 4, chap. 18, of charter of Greater New York, as reenacted by chap. 466, Laws, 1901, relating to school holidays.

Makes first Thursday in June, or in some cases second Thursday in June, a holiday for public schools in borough of Brooklyn, in commemoration of the organization of Sunday schools.

Chap. 528, May 18, 1905.

## (e) Place of Attendance; Transportation of Pupils; Consolidation of Schools.

(See A, Enactments 150-176.)

Supplementary to the legislation for the furthering of the consolidation of school districts (150-176) is that providing for the transportation of pupils to and from school. Minnesota (524) and Wisconsin (531), by important acts, extended their activities in this direction; Ohio (526) gave greater authority to school boards; and Vermont (530) provided for boards of referees to adjudicate disputed questions. Kansas (521), Oklahoma (527), and Oregon (528) gave increased authority to school boards regarding the payments for the attendance of pupils at schools in other school districts.

The Massachusetts act of 1902 (523), requiring street railway companies to carry public school pupils to and from school at half fare, was declared to be constitutional; and the provisions of the act were extended by the legislature so as to include the pupils of private schools.

519. IDAHO: Amending sec. 5, page 220, Laws, 1901, as amending sec. 35, page 93, Laws, 1899 (sec. 1055, Political Code, 1901), relating to the formation of school districts.

Permitting pupil to attend school in the district in which school building is nearer his place of residence than is the school of his own district.

H. B. No. 190, Page 218, Mar. 9, 1905.

520. KANSAS: Amending sec. 32, chap. 79, General Statutes, 1901, relating to the education of children inmates of county poor asylums.

County commissioners may provide for education of, at some district school.

Chap. 385, Feb. 18, 1905.

521. KANSAS: Repealing and reenacting with amendments secs. 6132 and 6133, General Statutes, 1901, relating to attendance of children upon schools other than that in school district of residence.

Increasing maximum expense for such attendance from \$25 to \$45 per month. Children of property owner owning land in adjoining school district may attend school without expense.

Chap. 386, Mar. 8, 1905.

522. MASSACHUSETTS: Amending sec. 4, chap. 44, Revised Laws, 1902, relating to the right of children of nonresident parents to attend school.

Regulating attendance of children at schools in places other than residence of parents or guardians.

Chap. 375, May 5, 1905.

523. MASSACHUSETTS: " Amending sec. 72, chap. 112, Revised Laws, 1902, relating to special rates on street and elevated railways for pupils in public schools.

Extending provisions of act so as to include private schools.

Chap. 479, June 14, 1906.

524. \* MINNESOTA: Authorizing school boards in any public school district to provide for the transportation, at public expense, of pupils living more than one-half mile from the school.

Par. 4, Sec. 1320, Revised School Laws, 1905.

525. MISSOURI: Authorizing boards of managers of public charitable institutions in cities of 100,000 inhabitants or over to arrange with public school authorities for the education of the children therein.

Page 301, Mar. 13, 1905.

526. OHIO: Amending sec. 3934, Revised Statutes, 1905, relating to transportation of pupils in special school districts.

Repealing compulsory obligations of board of education to provide transportation for all pupils residing at a greater distance than one and one-half miles from schoolhouse. "Transportation of pupils in any event" being optional with the board of education.

H. B. 347, Page 267, Apr. 2, 1906.

527. OKLAHOMA: Providing for the temporary transfer of pupils from the school of one district to the school of another for a period not exceeding one year.

Prescribing conditions of consent of district boards concerned, reapportionment of school funds, and penalties for violations.

Chap. 33, Art. 14, Feb. 13, 1905.

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\* Massachusetts, 1905: Free transportation of pupils to school. Rev. Laws, 1902, c. 112, sec. 72, requiring street-railway companies to carry public school pupils to and from school at rates not exceeding one-half the regular fare, is not class legislation, the promotion of education being a sufficient reason for the discrimination in favor of pupils. (Com. v. Interstate, etc., Ry., 73 N. E., 530.)

Nor is it taking of property without due process of law. (Ibid.)

528. OREGON: Authorizing the district school board of one district to contract with the district school board of any other district for the admission of pupils in any school in such other district on such terms as may be agreed upon, and providing for the payment of the necessary expense.

Sec. 5, Chap. 210, Feb. 22, 1905.

529. TEXAS: Amending art. 3993b, Revised Civil Statutes, 1895, fixing residence of children of members of state legislature.

Providing that the children of members of either branch of the Texas legislature who reside with their families in the capital city for the purpose of being in attendance upon any session of the legislature shall be considered to reside in such city for school purposes.

Chap. 40, Mar. 24, 1905.

530. VERMONT: Amending sec. 685, Statutes, 1894, as amended by No. 23, Acts, 1898, and No. 21, Acts, 1900, relating to location of schools and transportation of pupils.

Providing for procedure in cases of dissatisfaction in matters of conveyance, designation of a particular school for a pupil to attend, or school accommodations. Settlement thru board of referees.

Act No. 36, Dec. 8, 1904.

531. WISCONSIN: Adding subdiv. 20 to sec. 430, Statutes, 1898, relating to powers of district school meetings.

Providing that electors may authorize school board to make contracts, for a maximum period of three years, for transportation of pupils to and from school, and for tuition of pupils.

Chap. 54, Mar. 29, 1905.

#### (f) Compulsory Attendance; Child Labor; <sup>a</sup> Truancy.

No portion of the entire mass of legislation affecting public education points more definitely to progress than the body of enactments relating to compulsory education and child labor. The mere number of these enactments is full of meaning, and clearly indicative of the determination of the states to protect themselves through safeguarding the educational rights of children. A review and comparison of the principal features of the enactments bring to light unmistakable tendencies to widen the age limitations, to increase the length of the annual period of school attendance, to require certain degrees of educational advancement as a condition of release from attendance, to give the school officials greater authority in the determination of what constitutes satisfactory compliance with the law, and to bring defective children (deaf, dumb, and blind) within the scope of compulsory attendance.

Of the new laws relating to the subject, those of Delaware (536), Louisiana (538-539), Missouri (556), Tennessee (571), and Washington (577) are notable. The revisions of existing laws in California (532-533), Maryland (544), Michigan (554), Minnesota (555), New Jersey (560), New York (561), North Dakota (564), Oregon (567), Pennsylvania (568-569), Rhode Island (570), Utah (572), Vermont (574-576), and West Virginia (579) each contain significant provisions, which, if enforced or capable of enforcement, should produce a beneficial effect upon the thoroughness of the work accomplished by the public school systems of the states concerned.

The act of Connecticut (534), giving to the State Board of Education certain definite authority for the enforcement of the compulsory educational law in specified cases, and the various measures passed in Massachusetts (546 to 552,

<sup>a</sup> Only such of the enactments relating to child labor have been included here as contain some direct reference to school attendance and educational qualifications.

inclusive) are among the most important of the entire group. Especially effective should be the fixing of definite educational standards, as has been done in the latter state.

**532. CALIFORNIA: Regulating the employment and hours of labor of children.**

Prohibiting employment of minors under 14 years of age. Minors under 16 must be able to read and write English. Providing for issuance of age and schooling certificates by public school authorities.

Chap. 18, Feb. 20, 1905.

**533. CALIFORNIA: Amending sec. 1, chap. 270, Statutes, 1903, relating to compulsory education.**

Increases period of attendance from five months and eighteen consecutive weeks to "during the time in which a public school shall be in session in the city or city and county or school district in which said child resides;" provides for exemption and permits to work under provisions of Chapter 18, Acts of 1905, regulating the employment of children; clause relating to exemption on account of parental indigence stricken out.

Chap. 333, Mar. 20, 1905.

**534. \* CONNECTICUT: Amending chap. 29, Public Acts, 1903, relating to the compulsory attendance of children in public schools.**

Giving to State Board of Education certain authority over the enforcement of compulsory attendance of children between fourteen and sixteen years of age.

Chap. 36, May 2, 1905.

**535. CONNECTICUT: Amending sec. 4705, General Statutes, 1902, relating to certificates of age of employed children.**

Granting to State Board of Education authority to investigate and issue age certificates to foreign-born children.

Chap. 115, June 6, 1905.

**536. DELAWARE: Providing for the regulation of the employment of children.**

Prohibiting after July 1, 1905, employment of minors under 14 years of age in any manufacturing establishment. Minors between 14 and 16 to be employed only after having attended school for twelve consecutive weeks during preceding twelve months. Provisions for age certificates.

Chap. 123, Apr. 18, 1905.

**537. KANSAS: Prohibiting child labor in certain employments and regulating employment of minors under sixteen years of age in other occupations.**

Providing for the issuance of age certificates by school authorities.

Chap. 278, Feb. 22, 1905.

**538. LOUISIANA: Proposing amendment to Art. 210, Constitution, 1898, relating to eligibility for public office, to permit appointment of factory inspectors provided for by Act No. 34, June 29, 1906.**

Vote Nov. 4, 1906.

Act No. 13 (Joint Resolution), June 22, 1906.

**539. LOUISIANA: Relating to the employment of children, young persons, and women.**

Regulating the employment of children, young persons, and women in certain cases in cities and towns of 10,000 or more population. Providing for factory inspectors. Penalties for violation of act to be paid into parish school fund.

Act No. 34, June 29, 1906 (Jan. 1, 1907).

**540. MAINE: Amending sec. 49, chap. 15, Revised Statutes, 1903, relating to the compulsory attendance of children.**

Absence of one-half day or more constitutes violation of act.

Sec. 9, Chap. 48, Mar. 11, 1905.

541. MAINE: Amending sec. 51, chap. 15, Revised Statutes, 1903, relating to duties of truant officers.

Sec. 10, Chap. 48, Mar. 11, 1905.

542. MAINE: Amending sec. 53, chap. 15, Revised Statutes, 1903, relating to penalty for abetting habitual truancy.

Sec. 11, Chap. 48, Mar. 11, 1905.

543. MAINE: Amending sec. 54, chap. 15, Revised Statutes, 1903, relating to duties of town truant officers.

Giving truant officers power to execute warrants issued by courts.

Sec. 12, Chap. 48, Mar. 11, 1905.

544. MARYLAND: Amending sec. 4, art. 100, Code of Public General Laws, 1904, relating to employment of minors under 14 years of age and adding secs. 5 to 13 to said article.

Providing for employment permits for children between the ages of 12 and 16; requiring that children employed must be able to read at sight and write legibly simple sentences in English language; providing for duties of factory inspectors and school attendance officers; appropriating annually \$8,000.

Chap. 192, Mar. 30, 1906. (Sept. 1, 1906.)

545. MARYLAND: Amending secs. 134, 140, and 141, chap. 299, Acts, 1904 (secs. 166, 167, and 168, Public General Laws, 1904), relating to compulsory school attendance of deaf children. Adding secs. 139a and 142.

Providing for compulsory attendance, for eight months of each year, blind and deaf children between ages of six and sixteen (previously eight and sixteen for deaf children only). Transportation to be provided from state funds for indigent children. Providing also for county census of blind, deaf, and feeble-minded children.

Chap. 236, Mar. 31, 1906.

546. MASSACHUSETTS: Amending sec. 31, chap. 106, Revised Laws, 1902, as amended by sec. 1, chap. 432, Acts, 1904, relating to the approval of age and schooling certificates by superintendent or person authorized by school committee.

Chap. 213, Mar. 24, 1905.

547. MASSACHUSETTS: Amending sec. 28, chap. 106, Revised Laws, 1902, relating to the employment and school attendance of minors.

Prohibiting employment of minors between fourteen and sixteen years of age without certificate of ability to read at sight and to write legibly simple sentences in the English language.

Chap. 267, Apr. 6, 1905.

548. MASSACHUSETTS: Amending sec. 28, chap. 106, Revised Laws, 1902, as amended by chap. 267, Acts, 1905, relating to the employment and school attendance of minors.

Defining "ability to read at sight and to write legibly simple sentences in the English language" as required by chap. 267, acts, 1905, to mean for 1903, ability to read and write as is required for admission to second grade; for 1907, such as is required for admission to third grade; for 1908 and after such as is required for admission to fourth grade.

Chap. 284, Apr. 14, 1906.

549. MASSACHUSETTS: Amending sec. 33, chap. 106, Revised Laws, 1902, relating to the employment of minors.

Prescribing authority of truant officers and penalties where employers fail to produce age and schooling certificates of minors.

Chap. 499, June 20, 1906.

550. MASSACHUSETTS: Providing for the commitment of habitual truants, habitual absentees, and habitual school offenders to county truant schools and not to any other institution or place.

Chap. 399, May 12, 1906.

551. MASSACHUSETTS: Amending sec. 1, chap. 44, Revised Laws, 1902, as amended by sec. 1, chap. 320, Acts, 1905, relating to compulsory education.

Adding the following proviso relating to defense for non-attendance: "*Provided, however,* That no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than the public day schools, shall avail as a defense under the provisions of this section unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition, or the suitable instruction of the child" (p. 359).

Chap. 383, May 11, 1906.

552. MASSACHUSETTS: Amending sec. 1, chap. 44, Revised Laws, 1902, relating to school attendance.

Attendance made compulsory for "every child under sixteen years of age who cannot read at sight and write legibly simple sentences in the English language."

Chap. 320, Apr. 21, 1905. (Jan. 1, 1906.)

553. MICHIGAN: Amending sec. 2, chap. 113, Public Acts, 1901, relating to employment of children.

Age certificate to contain statement that child can read and write the English language.

Chap. 171, June 6, 1905.

554. \*MICHIGAN: Repealing secs. 4847, 4848, 4849, 4850, 4851, 4852, Compiled Laws, 1897 (no. 95, Public Acts, 1895), relating to compulsory education and enacting a substitute.

Act No. 200, June 13, 1905.

555. MINNESOTA: Amending sec. 1, chap. 226, Laws, 1899, relating to the compulsory education of children.

Extending period of attendance from eight to sixteen to eight to eighteen.

Chap. 265, Apr. 18, 1905.

556. \*MISSOURI: "Enforcing the constitutional right of every child in the state to an education, to provide for truant and parental schools and attendance officers in cities of ten thousand population or more, and to prohibit the employment of children during school hours."

Children between eight and fourteen years of age, and children between fourteen and sixteen, if not actually and regularly employed, must attend not less than one-half entire time school is in session.

Page 146, Apr. 11, 1905.

557. NEBRASKA: Repealing, and reenacting with amendment, sec. 11293, Annotated Statutes, 1903, relating to compulsory education.

Removing requirement that attendance during compulsory period shall be continuous. Minor revision of exemptions under act.

Chap. 140, Apr. 3, 1905.

558. NEBRASKA: Repealing, and reenacting with amendments, sec. 5383, Compiled Statutes 1903, relating to truant officers.

Providing for appointment of truant officers in cities and metropolitan cities and prescribing duties.

Violations of compulsory education law in school districts, other than cities and metropolitan cities, to be reported by superintendents, principals, teachers, and members of board of education to county superintendent, who acts as truant officer. Providing penalties.

Chap. 141, Apr. 4, 1905.



559. **NEW JERSEY**: Supplementing chap. 1, art. 15, Acts, 1903 (sp. sess., Oct. 15), relating to compulsory attendance.

Permitting payment by district boards of education of a fee of fifty cents for warrants issued against persons violating provisions of act.

Chap. 188, Apr. 20, 1905.

560. **NEW JERSEY**: Amending secs. 153 and 158, chap. 1, Acts, 1903 (sp. sess., Oct. 15), relating to compulsory attendance and duties of truant officers.

Defining more exactly conditions of attendance, quality of instruction received, and providing penalty for violation.

Chap. 180, Apr. 20, 1905.

561. **NEW YORK**: Amending, in a minor manner, secs. 5, 7, 9, 10, tit. 16, chap. 556. Laws, 1894, as amended by sundry subsequent laws relating to compulsory education.

Revising conditions for lawful employment of children; conferring on school commissioners legal authority to determine class of persons to be appointed attendance officers by town boards; concerning establishment of truant schools; providing for return to city or state of moneys withheld by the commissioner of education because of non-enforcement of statute, if law is complied with within one year.

Chap. 280, Apr. 22, 1905.

562. **NEW YORK**: Amending sec. 6, title 16, chap. 556, Consolidated School Law, 1894, relating to arrest of truant.

Empowering truant officers to enter factories, mercantile and other establishments for purpose of examining certificates and registry of children employed. Penalty for interference.

Chap. 311, Apr. 22, 1905.

563. **NORTH CAROLINA**: Compelling the attendance at school of Indians residing in the Cherokee Reservation.

Making the Cherokee Indian Reservation a special school district; providing that all children of at least one-eighth Indian blood, between the ages of 7 and 17, shall attend school at least nine months in each calendar year; not applying to children attending some other school for a like time. Provided the United States government furnish school with proper facilities, board, clothing, books, medical attendance, and other necessary expenses; exempting certain children; providing a penalty for parents or guardian withholding child from school, and authorizing proper officials to take charge of children failing to attend school as herein prescribed.

Chap. 213, Feb. 17, 1905.

564. **NORTH DAKOTA**: Amending sec. 759, Revised Code, 1899, relating to compulsory education.

Extending provisions from twelve weeks' attendance to entire session of school. Feeble-minded children to be sent to institution at Grafton.

Exemptions when child is actually necessary to the support of family; when residence is more than four miles from school in case of consolidated schools having transportation; and for four months to permit preparation of children for certain religious duties.

Sec. 7, Chap. 100, Mar. 13, 1905.

565. **NORTH DAKOTA**: Amending sec. 761, Revised Code, 1899, as amended in 1903, relating to prosecutions for violations of compulsory education law.

Sec. 8, Chap. 100, Mar. 13, 1905.

566. **OREGON**: Providing for the compulsory attendance of children eligible for entrance at schools where tuition, lodging, food, and clothing are furnished at the expense of the United States.

Chap. 202, Feb. 22, 1905.

567. OREGON: Amending sec. 3, page 79, Laws, 1903 (Feb. 16), as to compulsory attendance of children at school, to read:

\* \* \* \* \*

SEC. 4. Attendance at school shall be compulsory upon all children between the ages of eight and fourteen years in all cities, towns, and villages of the state of Oregon during the whole of the school term in the city, town, or village in which the child resides, and upon all children in such city, towns, and villages between the ages of fourteen and sixteen years who are not employed in some lawful work.

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Chap. 208, Feb. 22, 1905.

568. PENNSYLVANIA: Amending chap. 335, Laws, 1901, relating to employment of children.

Providing that certificate of ability to read and write English may be issued to child worker from 13 to 16 years of age by any one authorized to administer oaths or by superintendent of schools.

Chap. 98, Apr. 10, 1905.

569. PENNSYLVANIA: Prohibiting employment of minor children, under 14 years of age, in or about anthracite coal mines or collieries; regulating the employment of minors between 14 and 16.

Providing for issuance of employment and schooling certificates by common school superintendent and teachers.

Act No. 222, May 2, 1905 (Oct. 15, 1905).

570. \* RHODE ISLAND: Amending secs. 1, 3, 4, and 12, chap. 68, General Laws, 1896, relating to employment of children.

Regulating the employment of children under 13 years before Dec. 31, 1906, and 14 years of age after Dec. 31, 1906; providing for the issuance of age and schooling certificate by school committee or persons duly authorized by such committee.

Chap. 1215, Mar. 9, 1905.

571. TENNESSEE: Providing for the compulsory attendance of children.

Applies to only Union and Claiborne Counties (counties having a population of not less than 12,890 and not more than 12,900, and counties of not less than 20,500 and not more than 21,000). Requiring consecutive attendance of fourteen weeks for children between eight and fourteen years of age. Providing for school census and penalties for violation of act.

Chap. 483, Apr. 7, 1905.

572. \* UTAH: Amending secs. 1962 and 1963, Revised Statutes, 1898, relating to compulsory attendance of children at school.

Increasing period of attendance from 8-14 to 8-16 and from twenty to *thirty* weeks in cities of the first and second classes.

Sec. 1, Chap. 95, Mar. 9, 1905.

573. VERMONT: Amending sec. 710, Statutes, 1894, relating to appointment of truant officers.

Authorizing school board of town, instead of selectmen or mayor, to appoint truant officers.

Act No. 38, Dec. 6, 1904.

574. VERMONT: Amending secs. 711 and 716, Statutes, 1894, relating to compulsory education.

Increasing minimum period of attendance from twenty-six to twenty-eight weeks and providing for attendance thru entire period during which schools may be in session. Proceedings and penalties in cases of violation.

Act No. 39, Dec. 1, 1904.

575. VERMONT: Amending sec. 717, Statutes, 1894, relating to compulsory attendance.

Providing, in cases of destitution, that town shall furnish clothing for children so that they may attend school. Removing clause relating to the sending of children to Vermont Industrial School.

Act No. 40, Dec. 6, 1904.

576. VERMONT: Amending sec. 712 and repealing secs. 713 and 5146, Statutes, 1894, relating to employment of children.

Prohibiting employment of children under 12 years of age in factories, mills, or workshops or as message carriers; those under 15 years of age during school hours; those under 16 years of age unless such child has attended school 28 weeks during current year, such attendance to be certified by school authorities.

Act No. 155, Dec. 6, 1904.

577. \*WASHINGTON: Concerning the compulsory attendance of children between the ages of eight and fifteen years in the public schools; exceptions thereto.

Prohibiting employment of children under fifteen years of age during school term. Providing for attendance officers, their duties and powers. Proceedings against truants. Annual reports to State Board of Education. Penalty for failure of school and other officers to perform duties.

Chap. 162, Mar. 11, 1905.

578. WEST VIRGINIA: Adding sec. 32 to chap. 139, Acts, 1901, relating to powers and duties of board of education in city of Wheeling.

Providing for compulsory attendance of children between ages seven and fourteen thruout school year; attendance officer and powers and duties; penalties for violations.

Chap. 32, Feb. 11, 1905. (Sept. 1, 1905.)

579. WEST VIRGINIA: Amending sec. 1, chap. 11, Laws, 1887, relating to the employment of children.

Extending the provisions to all mercantile establishments; prohibiting the employment of minors under the age of 12 years during school hours; prosecuting attorney to enforce act.

Chap. 75, Feb. 25, 1905.

580. WISCONSIN: Relating to powers of truancy officers.

Authorizing truancy officers to visit places where minors are employed and to report illegal employment to school authorities and labor commissioner or factory inspector.

Chap. 246, May 25, 1905.

581. WISCONSIN: Providing for compulsory attendance of pupils between ages of 5 and 18 and eligible for entrance to special schools maintained upon reservations by the United States or the state of Wisconsin, and providing penalty for violation.

Chap. 330, June 10, 1905.

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## I. SCHOOL DISCIPLINE.

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### (a) General.

582. OHIO: Amending and adding to sec. 6819, Revised Statutes, 1905 (sec. 1, page 353, Laws, 1893), relating to hazing in educational institutions.

Any teacher, superintendent, etc., knowingly permitting hazing guilty of misdemeanor.

H. B. No. 114, Page 124, Mar. 28, 1906.

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**(b) Corporal Punishment.**

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**(c) Suspension and Expulsion.**

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**(d) Fire Drills.**

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As a protective measure of continually growing importance, particularly for the schools in cities, the Vermont law relating to fire drills in public and private schools is deemed to be of a type worthy of a more extended place in our legislation governing the control and conduct of schools.

583. VERMONT: Providing for fire drills in public and private schools.

SECTION 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than fifty pupils, to instruct and train the pupils by means of drills, so that they may in sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month when said schools are in session.

SECTION 2. Willful neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provision of this act, shall be a misdemeanor, punishable, each offense, by a fine of not more than twenty nor less than five dollars.

SECTION 3. It shall be the duty of the school directors, trustees, or other body of persons having control of the schools of any town or city, to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual is in use or may hereafter come in use.

SECTION 4. The provisions of this act shall not apply to colleges and universities.

SECTION 5. This act shall take effect January 1st, A. D. 1905.

Act No. 47, Nov. 14, 1904 (Jan. 1, 1905).

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**J. HEALTH REGULATIONS.**

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Among the comparatively few enactments in this section are to be found two which seem to the reviewer to be of eminently progressive rank: that of Massachusetts (588) providing for the appointment of school physicians, and that of Vermont (589) providing for the medical inspection of school children. Each of these measures aims to introduce an element in the control and management of public schools, the necessity of which has been already fully demonstrated. Their influence upon the schools of these states will be watched with intense interest by school officials and others having to do with general social welfare and progress.

The three enactments relating to compulsory vaccination, while not, perhaps, of wide general interest, form a part of a general protective policy, the legality of which has become firmly fixt in our American social policy.

## (a) General.

584. MASSACHUSETTS: Amending sec. 6, chap. 44, Revised Laws, 1902, relating to the exclusion from the public schools of pupils who have been exposed to infectious or contagious disease.

Chap. 371, May 8, 1906.

585. NEW JERSEY: Amending sec. 121, chap. 1, Acts, 1903 (sp. sess. Oct. 15), relating to exclusion of teachers and pupils from school on account of disease.

Providing that teachers and pupils shall have been "successfully vaccinated or revaccinated" (previously "duly vaccinated").

Medical inspector of district to furnish certificate excusing from vaccination. Board of education may extend list of contagious or infectious diseases indicated.

Chap. 104, Apr. 12, 1906.

586. SOUTH CAROLINA: Authorizing city or town to pass vaccination ordinance. On neglect or refusal state board of health may act. Compulsory vaccination of school children.

Chap. 434, Feb. 22, 1905.

587. VIRGINIA: Amending sec. 1496, Code, 1904, relating to exclusion from the public free schools of persons with contagious diseases or who have not been vaccinated.

Certificate of vaccination to be furnished by teachers and pupils within *ten* (previously thirty) days after entrance to a public school.

Chap. 248, Page 442, Mar. 15, 1906.

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(b) Physical Examination and Medical Inspection.

588. \* MASSACHUSETTS: Providing for the appointment of school physicians.

SECTION 1. The school committee of every city and town in the Commonwealth shall appoint one or more school physicians, shall assign one to each public school within its city or town, and shall provide them with all proper facilities for the performance of their duties as prescribed by this act: *Provided, however,* That in cities wherein the board of health is already maintaining or shall hereafter maintain substantially such medical inspection as this act requires, the board of health shall appoint and assign the school physician.

SECTION 2. Every school physician shall make a prompt examination and diagnosis of all children referred to him as hereinafter provided, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require.

SECTION 3. The school committee shall cause to be referred to a school physician for examination and diagnosis every child returning to school without a certificate from the board of health after absence on account of illness or from unknown cause; and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from infectious or contagious disease, unless he is at once excluded from school by the teacher; except that in the case of schools in remote and isolated situations the school committee may make such other arrangements as may best carry out the purposes of this act.

SECTION 4. The school committee shall cause notice of the disease or defects, if any, from which any child is found to be suffering to be

sent to his parent or guardian. Whenever a child shows symptoms of smallpox, scarlet fever, measles, chicken pox, tuberculosis, diphtheria, or influenza, tonsillitis, whooping cough, mumps, scabies or trachoma, he shall be sent home immediately, or as soon as safe and proper conveyance can be found, and the board of health shall at once be notified.

**SECTION 5.** The school committee of every city and town shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight or hearing or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. The tests of sight and hearing shall be made by teachers. The committee shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical record of each child to be kept in such form as the State Board of Education shall prescribe.

**SECTION 6.** The State Board of Health shall prescribe the directions for tests of sight and hearing and the State Board of Education shall, after consultation with the State Board of Health, prescribe and furnish to school committees suitable rules of instruction, test cards, blanks, record books and other useful appliances for carrying out the purposes of this act, and shall provide for pupils in the normal schools instruction and practice in the best methods of testing the sight and hearing of children. The State Board of Education may expend during the year nineteen hundred and six a sum not greater than fifteen hundred dollars, and annually thereafter a sum not greater than five hundred dollars for the purpose of supplying the material required by this act.

**SECTION 7.** The expense which a city or town may incur by virtue of the authority herein vested in the school committee or board of health, as the case may be, shall not exceed the amount appropriated for that purpose in cities by the city council, and in towns by a town meeting. The appropriation shall precede any expenditure or any indebtedness which may be incurred under this act, and the sum appropriated shall be deemed a sufficient appropriation in the municipality where it is made. Such appropriation need not specify to what section of the act it shall apply, and may be voted as a total appropriation to be applied in carrying out the purposes of the act.

**SECTION 8.** This act shall take effect on the first day of September in the year nineteen hundred and six.

Chap. 502, June 20, 1906.

589. \* VERMONT: Providing for medical inspection of school children.

**SECTION 1.** The state board of health and the superintendent of education shall prepare or cause to be prepared suitable test cards, blanks, record books and other needful appliances to be used in testing the sight and hearing of pupils in public schools and necessary instructions for their use; and the superintendent of education shall furnish the same, free of expense, to every school in the state. The superintendent, principal or teacher, in every school, during the month of September each year, shall test the sight and hearing of all pupils under his charge and keep a record of such examination according to the instructions furnished, and shall notify in writing the parent

or guardian of every pupil who shall be found to have any defect of vision or hearing, or disease of eyes or ears, with a brief statement of such defect or disease; and shall make written report of all such examinations to the superintendent of education as he may require.

**SECTION 2.** The state auditor is hereby directed to draw his order on the state treasurer for such sums, and at such times as the superintendent of education, with the approval of the state board of health, may require to carry out the provisions of this act. The total expense under this act shall not exceed six hundred dollars in any biennial term ending June thirtieth.

**SECTION 3.** This act shall take effect July 1, 1905.

Act No. 45, Nov. 17, 1904 (July 1, 1905).

## K. TEXT BOOKS AND SUPPLIES.

Of the legislation concerning text-books and supplies, the enactments in the following states are worthy of note: Indiana (590), relating to the frequency of revisions of text-books used in the public schools and the authority of the State Board of School Book Commissioners to cancel contracts; Missouri (593), abolishing the School Book Commission created in 1897; Connecticut (601), requiring a vote to be taken upon the question of free text-books; and Virginia (602), providing for the state adoption of text-books. The enactment in New York (594), relating to misrepresentations in the sale of school text-books and supplies, and that in Oklahoma (596), relating to schoolbook and supply monopolies, are likewise measures of more than local importance.

### (a) General.

**590. INDIANA:** Amending sec. 13, chap. 93, Laws, 1893, as amended by Laws, 1901, relating to the revision of and contracts for text-books used in the common schools.

Limiting required revisions to not oftener than ten years excepting copy books, histories, and geographies, revision period of which may be five years.

Granting State Board of School Book Commissioners power to cancel any contract at expiration of five years, by two-thirds vote.

Chap. 95, Mar. 4, 1905.

**591. IOWA:** Amending sec. 2828, Code, 1897, relating to the frequency of the publication of bids for text-books.

"Once each week for three consecutive weeks" instead of "for three consecutive weeks."

Sec. 4, Chap. 9, Apr. 10, 1906.

**592. MARYLAND:** Repealing, and reenacting with amendments, sec. 99, art. 4, entitled "City of Baltimore," Code, Public Local Laws, 1904, relating to the Board of School Commissioners.

Board to conform to charter provisions regarding the award of contracts for text-books, stationery, and furniture.

Chap. 107, Mar. 16, 1906.

**593. MISSOURI:** Repealing secs. 9969 to 9982, inclusive, art. 7, chap. 154, Revised Statutes, 1899 (Laws, 1897, p. 22), abolishing the School Book Commission created thereby.

Page 302, Apr. 10, 1905.

594. **NEW YORK**: Adding sec. 16, tit. 1, Consolidated School Law, 1894, making it a misdemeanor to misrepresent in the sale of school supplies to any board of trustees, board of education, public school teacher, or to the representatives of any state educational office.

Chap. 58, Mar. 15, 1906.

595. **NORTH CAROLINA**: Promoting the production and publication of schoolbooks relating to history, literature, or government of North Carolina.

Appropriating \$5,000 per annum for the years 1905 and 1906, to be used by the State Board of Education in encouraging the production of schoolbooks relating to the history, literature, or government of North Carolina; authorizing selection of committee to examine manuscripts; payment of expenses and compensation of committee. Board of Education to fix prices at which books shall be sold to school children. Proceeds of sales to go to school fund.

Chap. 707, Mar. 4, 1905.

596. **OKLAHOMA**: Providing for the regulation of the sale of schoolbooks and school supplies.

Prohibiting trusts and combinations dealing in schoolbooks and school supplies. Providing penalties for violations.

Chap. 33, Art. 11, Mar. 4, 1905.

597. **SOUTH CAROLINA**: Relating to convenient depositories for common school books.

Providing that the county superintendent of education locate a reliable depository in each township in each county for common school books. Books to be deposited with said depository and sold at not exceeding ten per cent above their cost.

Act No. 441, Feb. 22, 1905.

598. **UTAH**: Providing for a special tax levy for text-books.

*See No. 320.*

599. **VIRGINIA**: Repealing sec. 1501, Code, 1904, relating to frequency of change of text-books.

(The content of this section is reenacted in the amendment to sec. 1433, relating to duties of State Board of Education.)

Chap. 248, Page 432, Mar. 15, 1906.

600. **WISCONSIN**: Amending sec. 440, Statutes, 1898, relating to choice and change of text-books in common schools.

Removing provision regarding authorization of majority of legal voters of district before district board may change text-books; and provision regarding excepting districts furnishing free text-books.

Chap. 443, June 19, 1905.

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(b) **Free Text-Books.**

601. **CONNECTICUT**: Towns at annual meeting of 1905 to decide by vote the question of providing free text-books and other school supplies.

Makes permissive action granted by sec. 2135, General Statutes, 1902, obligatory for 1905.

Chap. 174, June 29, 1905.

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(c) **Uniformity of Text-Books.**

602. \* **VIRGINIA**: Amending sec. 1433, Code, 1904, as amended by chap. 101, Acts, 1904, relating to duties of State Board of Education.

Providing for state adoption of text-books for a period not longer than four years. Extending power of investment of literary fund so as to include district school bonds.

Chap. 248, pp. 433-436, Mar. 15, 1906.



## L. SUBJECT MATTER OF INSTRUCTION.

Within the class of legislation aiming to direct in a definite way the content of the instruction given in public schools there are a number of important measures. Of those of a general nature, the following might be mentioned for special attention: Kansas (602), giving to the State Board of Education authority to prescribe a state course of study; Oregon (604), establishing uniform eighth grade examinations and creating county boards for the conduct of these examinations. Of those relating to patriotism and the study of local state history: Arkansas (605) and South Carolina (606), as well as the one of North Carolina (595). Of those relating to physical education: Pennsylvania (607), including athletics among the subjects of instruction for certain special schools, and Massachusetts (608), giving to school committees authority over the athletic organizations of public school pupils.<sup>a</sup> Of those relating to the teaching of physiology and hygiene, and the nature and effects of alcohol and narcotics: North Dakota (609) and South Dakota (610). Of those relating to humane education: North Dakota (612), Oklahoma (613), and Pennsylvania (614).

By far the most important of the enactments in this connection are those relating to elementary manual and industrial training, especially those of Massachusetts (620, 621, 622). The report of the Commission on Industrial and Technical Education of that state is one of the educational events of the period, and is of far-reaching significance and possible influence. Arizona (616), Iowa (617), and New Jersey (624-625) each seek through appropriate legislation to make their public school systems contribute to the solution of the problem of technical and industrial efficiency.

### (a) General.

602a. \* KANSAS: Repealing, and reenacting with amendments, sec. 6214, General Statutes, 1901, relating to powers and duties of State Board of Education.

State Board of Education to prescribe course of study for normal institutes and the public schools of the state. Proviso for elementary schools.

Chap. 387, Mar. 7, 1905.

603. NORTH CAROLINA: Amending sec. 65, chap. 64, Laws, 1901, relating to free tuition in public schools.

Provides for payment under certain conditions for instruction in those subjects not specifically mentioned in school law.

Sec. 12, Chap. 533, Mar. 6, 1905.

604. OREGON: Providing for a system of uniform eighth-grade examinations for pupils who have completed the eighth grade in accordance with the provisions of the state course of study, and for the issuance of certificates of entrance to ninth grade. Creating county boards of eighth-grade examiners.

Chap. 75, Feb. 13, 1905.

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<sup>a</sup> The common principle of this act, and the decision of the Iowa Supreme Court given on pages 132-136, is at once apparent.

## (b) History, Civics, and Patriotism.

605. **ARKANSAS**: Relating to the study of Arkansas history and the promotion of the spirit of patriotism in the public schools.

SEC. 1. That the 19th of January, the birthday of Robert Edward Lee, shall be observed in all the public schools of this state as a day for patriotic exercises and the study of the history and achievements of Arkansas men.

SEC. 2. The state superintendent of public instruction is hereby authorized to prepare and publish annually for use in all the schools of the state, a programme of exercises, dealing with events in the life of General Lee and other distinguished Southern men, giving attention also to the achievements and work of eminent men who have served this State in civil and military life.

SEC. 3. It shall be the duty of county examiners, city superintendents, and principals of schools to aid in carrying on this work, and they shall arrange the exercises of their various schools in accordance with the provisions of this act.

Act No. 35, Feb. 14, 1905.

606. \* **SOUTH CAROLINA**: Providing for the celebration of March 18th as South Carolina day in the public schools.

Act No. 18, Feb. 17, 1906.

## (c) Physical Education.

607. **PENNSYLVANIA**: Amending sec. 1, chap. 145, Laws, 1885, as amended by Act of May 21, 1895, and Act of Feb. 21, 1901 (sec. 144, p. 147, Brightley's Digest, 1893-1903), relating to the establishment of mechanic art schools in cities of the second and third class and boroughs and townships of the first class.

Permitting establishment of schools for instruction in *athletics*, in addition to other subjects.

SECTION 1. That in every city of the second class the central board of education, and in every city of the third class the board of school controllers, and in every borough and township of the first class the board of school directors, shall have power to establish and maintain one or more schools for the instruction of pupils in the useful branches of the mechanic arts, athletics, and kindred subjects, to provide the necessary buildings, machinery, apparatus, and materials and to employ teachers and instructors therefor.

Act No. 36, Mar. 24, 1905.

608. **MASSACHUSETTS**: Relating to the authority of school committee over public school athletic organizations.

SECTION 1. The school committee may supervise and control all athletic organizations composed of pupils of the public schools and bearing the name of the school.

SECTION 2. It may directly or through an authorized representative determine under what conditions such organization may enter into competition with similar organizations in other schools.

Chap. 251, Apr. 5, 1906.

**(d) Physiology; Hygiene; Alcohol; Narcotics.**

609. NORTH DAKOTA: Amending secs. 648 and 750, Revised Code, 1899, relating to the teaching of physiology and hygiene and the nature and effect of alcoholic drinks and other narcotics in public schools.

Specifying amount of time to be devoted to. Instruction from text-books: Four lessons per week for ten weeks for all pupils below high school and above third grade. Other lower grades three oral lessons per week for ten weeks.

Chap. 106, Mar. 13, 1905.

610. SOUTH DAKOTA: Providing for systematic instruction as to nature of alcoholic drinks and narcotics and their effect upon the human system to all pupils in all public schools.

Adequate text-books to be provided. After July 1, 1906, examination in physiology and hygiene, with special reference to effect of alcoholic drinks, stimulants, and narcotics upon the human system to be taken for all teachers' certificates granted.

Chap. 105, Mar. 6, 1905.

**(e) Moral and Ethical Education.**

611. VIRGINIA: Amending sec. 1497, Code, 1904, relating to subjects to be taught in public free schools.

Providing for moral education.

Chap. 248, Page 443, Mar. 15, 1906.

**(f) Humane Treatment of Animals.**

612. NORTH DAKOTA: Providing for the teaching of the humane treatment of animals in the public schools.

1. \* \* \* That there shall be taught in the public schools of North Dakota, in addition to the other branches of study now prescribed, a system of study of the humane treatment of animals; such instruction shall be oral and to consist of not less than two lessons of ten minutes each per week. The principal or teacher of every school shall certify in each of his or her reports that such instruction has been given in the school under his or her control.

Chap. 108, Mar. 6, 1905.

613. OKLAHOMA: Providing for a scheme of ethical and humane education for the public schools.

One half hour of each week, thruout school term, to be devoted to teaching kindness, humane treatment, and protection of animals.

Prohibiting vivisection.

Chap. 33, Art. 12, Mar. 4, 1905.

614. PENNSYLVANIA: Providing for a system of humane education, to include kind treatment of birds and animals, in the public schools.

Instruction to be given for one half hour per week thru first four grades, and prohibiting experiments upon living creatures as demonstrations in physiology in any public school.

Act. No. 41, Mar. 27, 1905.

## (g) Music.

615. **ARIZONA**: Amending sec. 1, Act No. 46, Laws, 1903, relating to employment of teachers of music and drawing.

Extending provisions of act so as to include any school district (previously districts having population of one thousand or more).

Chap. 12, Feb. 21, 1905.

## (h) Drawing.

## (i) Elementary Technical, Manual, and Industrial Training.

616. \* **ARIZONA**: Providing for instruction in manual training and domestic science in the public schools.

Empowering boards of school trustees of districts having two hundred or more children of school age to employ special teachers; course of study to be approved by Territorial Board of Education; special tax levy for support; free tuition to resident pupils.

Chap. 20, Mar. 3, 1905.

617. **IOWA**: Adding section to chap. 4, title 13 of the Code, 1897, relating to state college of agriculture and mechanic arts.

Providing for the establishment of a department of ceramics, at the state college of agriculture and mechanic arts, " \* \* \* for the technical and practical education of clay workers, cement manufacturers and users, and other allied pursuits in all branches of those arts which exist in this state or which can be profitably introduced and maintained in this state from the mineral resources thereof \* \* \* " (sec. 1).

Providing also for the investigation and testing of clays and other mineral resources.

Chap. 124, Apr. 10, 1906.

618. **KENTUCKY**: Appropriating \$20,000 for industrial training for colored persons and for completing girls' dormitory and providing water for ordinary use and fire protection at Kentucky Normal Industrial Institute.

\* \* \* The providing for industrial training to the end that the colored youth of the commonwealth may be trained into industrious habits and useful trades. \* \* \*

Chap. 56, Mar. 20, 1906.

619. **LOUISIANA**: Proposing amendment to Art. 256, Constitution, 1898, relating to appropriations for the Louisiana Industrial Institute.

Removing limitation on appropriations therefor.

Act No. 3 (Joint Resolution), June 11, 1906.

620. **MASSACHUSETTS**: Providing for an extension of time (until April 1, 1906) within which report shall be made by the commission appointed to consider the needs for technical education in the different grades of industrial skill and responsibility.

Resolves, Chap. 1, Page 795, Jan. 10, 1906.

621. **MASSACHUSETTS**: Resolution providing for a commission to consider the needs for technical education in the different grades of industrial skill and responsibility.<sup>a</sup>

<sup>a</sup> Report of the Commission on Industrial and Technical Education: Senate Document No. 349, April 1906.

Resolved, That the governor, with the advice and consent of the council, shall, within thirty days after the passage of this resolve, appoint a suitable commission of nine persons, citizens of the commonwealth, representing the manufacturing, agricultural, educational, and labor interests, to serve for such compensation as the governor and council shall approve, to be known as the Commission on Industrial and Technical Education. Said commission may employ experts and all necessary clerical and other assistance, and may incur such reasonable expenses, including traveling expenses, as may be authorized by the governor and council. Before incurring any expense the commission shall from time to time estimate its probable amount and submit the estimate to the governor and council for their approval, and no expense shall be incurred by the commission beyond the amount so estimated and approved. The commission shall report to the general court on or before the second Wednesday of January, in the year nineteen hundred and six, with such recommendations for legislation as it may deem expedient. The powers of the commission shall terminate on the said second Wednesday in January. The commission shall investigate the needs for education in the different grades of skill and responsibility in the various industries of the Commonwealth. They shall investigate how far the needs are met by existing institutions, and shall consider what new forms of educational effort may be advisable, and shall make such investigations as may be practicable through printed reports and the testimony of experts as to similar educational work done by other states, by the United States government, and by foreign governments. There may be expended from the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars to carry out the purposes of this resolve: *Provided, however*, That not more than five hundred dollars shall be paid in full for services rendered as compensation to any member of the commission.

Resolves, Chap. 94, May 24, 1905.

622. \* MASSACHUSETTS: Repealing sec. 10, chap. 42, Revised Laws, 1902, relating to industrial schools, and providing for the establishment of the Commission on Industrial Education.

Providing for the appointment and organization of the Commission, and its duties, powers, and authority relating to the establishment and supervision of independent industrial schools thruout the state. Graduated scale of state aid on basis of amount raised by local taxation for support of schools.

Authorizing Agricultural College to establish normal department for instruction of teachers in the elements of agriculture.

Chap. 505, June 21, 1906.

623. MINNESOTA: Providing for the establishment, organization, and maintenance of county schools of agriculture and domestic science.

Such schools may be established by county commissioners upon vote by electors of county. Two or more counties may unite for such purpose. Maximum annual expenditure, \$20,000. Creating county school board for control. Providing for state aid for not to exceed two schools.

Chap. 314, Apr. 19, 1905.

624. NEW JERSEY: Providing for short courses in practical and scientific agriculture in state agricultural college. Making general appropriation of \$24,000 for initial establishment and annual appropriation of \$6,500 for maintenance.

\* \* \* \* \*

1. The trustees of the state agricultural college of New Jersey be, and they are hereby, required to establish in said state agricultural college a department which shall provide short courses in agriculture, equipped and designed for the practical education of students in both general and specific lines of farming.

2. Said department shall offer special instructions to students on soils, crops, fertilizers, manures, drainage, farm machinery, farm building, breeds of live stock, stock judging, animal diseases and remedies; production and handling of milk and cream, the manufacture of butter and cheese; the growth of fruits, berries, management of orchards, market garden and vegetable crops, and insects injurious to the various plants, diseases of plants; animal nutrition, including the use of forage crops, cereal grains, fine feeds, and all other matters pertaining to general and specific lines of farm practice.

3. Said department shall be provided with suitable buildings for stock judging, butter making, milk testing, and lecture rooms; said building shall be equipped with the necessary apparatus and machinery for carrying out the specific instruction provided for in section two.

\* \* \* \* \*

Chap. 55, Mar. 25, 1905.

625. NEW JERSEY: Amending sec. 1, chap. 164, Acts, 1881, relating to the establishment of industrial schools.

Increasing maximum annual state aid from \$5,000 to \$7,000.

Chap. 20, Mar. 20, 1906.

625a. WISCONSIN: Amending sec. 447, Statutes, 1898, relating to the curriculum of the public schools.

Providing for the teaching of the elements of agriculture in district schools.

Chap. 158, May 3, 1905.

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#### (j) Days for Special Observances.

626. ARKANSAS: Establishing Arbor Day. First Saturday in March.

Act No. 209, Apr. 25, 1905.

627. CONNECTICUT: Amending sec. 2140, General Statutes, 1902, relating to flag-day exercises.

Governor to designate, by annual proclamation, June 14th as Flag Day.

Chap. 146, June 16, 1905.

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#### (k) Other Special Subjects.

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### M. SPECIAL TYPES OF SCHOOL.

The legislation relating to special types of school reveals a continued tendency to extend the activities of public education so as to reach all classes. This is evident particularly from the enactments concerning public lectures and agricultural institutes. Florida (628a) takes a forward step in the establishment of kindergartens in certain communities. The status of the kindergarten as a part of the public school system of the state has been called into question in California (628) and the Supreme Court of that state has rendered an adverse decision.

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**(a) General.**

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**(b) Kindergartens.**

628. CALIFORNIA: Status of kindergartens as a part of the public school system of the state.

Los Angeles County *v.* Kirk, 83 Pac. 250 (Dec. 27, 1905).

*See No. 218a.*

- 628a. FLORIDA: Providing for the establishment of kindergartens in communities guaranteeing attendance of 25 pupils and also providing for the qualification of the teachers thereof.

Chap. 5387 (No. 16), May 31, 1905.

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**(c) Evening Schools.**

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**(d) Vacation Schools.**

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**(e) University Extension; Public Lectures.**

629. INDIANA: Granting to municipal park commissioners power and authority to permit the use of any reasonable portion of any public park for Chautauqua assembly purposes.

Funds derived to be used for park improvements or charitable purposes.

Chap. 77, Mar. 3, 1905.

630. MASSACHUSETTS: Authorizing city of Boston to maintain a Franklin Union similar to Cooper Union of New York.

Bonds for \$100,000 to be issued for site; managers to erect and equip building.

Chap. 448, May 24, 1905.

631. WISCONSIN: Amending sec. 1, chap. 336, Laws, 1901, authorizing boards of education in cities to provide free public lectures on natural science and kindred subjects.

Extending provisions so as to include *board of school directors; historical, literary, and other educational subjects; and public library buildings.* Removing other limitations.

Chap. 125, Apr. 29, 1905.

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**(f) Farmers' Institutes, etc.**

632. CALIFORNIA: Appropriating \$12,000 to the University of California for the purpose of holding farmers' institutes.

Chap. 251, Mar. 18, 1905.

633. NEBRASKA: Authorizing county commissioners to expend \$100 per year for local expenses in connection with farmers' institutes.

Chap. 3, Mar. 25, 1905.

634. NORTH DAKOTA: Amending secs. 2 and 4, chap. 172, Laws, 1901, relating to farmers' institutes.

Increasing number of institutes from 40 to 50; decreasing expenditure from \$8,000 to \$6,000 annually.

Chap. 23, Mar. 15, 1905.

635. OHIO: Amending sec. 3, page 332, Laws, 1890, relating to payment of expenses of farmers' institutes.

Page 307, Apr. 2, 1906.

636. OREGON: Authorizing annual appropriation of \$25,000 for agricultural institutes at state agricultural college.

Chap. 34, Feb. 26, 1905.

637. SOUTH DAKOTA: Authorizing expenditures by county of \$200 for expenses of annual meeting of farmers' institute.

Chap. 109, Mar. 3, 1905.

638. SOUTH DAKOTA: Authorizing annual expenditure of \$5,000 for farmers' institutes.

Chap. 110, Mar. 3, 1905.

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(g) Private and Endowed Schools.

639. OHIO: Amending sec. 4105, Revised Statutes, 1905 (sec. 3, page 33, Laws, 1856), relating to certain specially endowed schools or academies.

Providing such school or academy is not connected with any religious sect, district board of education may contract with board of trustees for the instruction of children of district and may contribute toward maintenance of such school or academy. Proviso as to continued nonsectarian character of school or academy.

H. B. No. 418, Page 206, Apr. 2, 1906.

640. PENNSYLVANIA: Supplementing sec. 16, no. 466, Laws, 1862, relating to the conveyances of school property to board of school directors by academies and seminaries.

Permitting sale of property acquired by terms of act of 1862 and providing for the employment of purchase money by school directors.

Act No. 38, Mar. 24, 1905.

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N. SECONDARY EDUCATION: HIGH SCHOOLS AND ACADEMIES.

(See Review of State Aid to Secondary Schools, p. 51.)

What has been said in the previous discussion upon state aid to secondary education as to the development of high schools and academies, finds further confirmation from the legislation classified in this section. Aside from the question of support, the attitude of the various states in this matter has been expressed by a number of enactments which aim to extend better opportunities for a high school education. From the following list, those of Kansas (647-648), Maine (649), New Hampshire (652, 653, 654), North Carolina (655), Pennsylvania (656-657), and Vermont (658) might be selected as indicating continued interest and progress.

The decision of the Kansas Supreme Court (see pages 141-145) reenunciates a cardinal principle of the educational policy of the American people.

(See Section B, Enactments 240-251, for special state aid to high schools.)

641. ARKANSAS: Memorializing Congress to grant block one hundred and fourteen of the government reservation of Hot Springs, Arkansas, to the special school district of Hot Springs, Arkansas, for a high school site.

Sen. Con. Res. No. 2, Mar. 14, 1905.



642. CALIFORNIA: Amending sec. 1671, Political Code, 1903, relating to establishment of county high schools.

Validating prior establishment of high schools and defining time of legal establishment.

Chap. 555, Mar. 21, 1905.

643. ILLINOIS: Amending amended sec. 38, art. 3, page 238, Laws, 1889, relating to township high schools.

Providing for elections for township high schools in townships containing "political towns" divided by navigable streams.

Page 386, Apr. 29, 1905.

644. ILLINOIS: Providing for the organization of high school districts of school districts having population 8,000-100,000.

Page 374, May 12, 1905.

645. INDIANA: Amending sec. 1, chap. 222, Laws, 1889, relating to donations for county high schools.

Permitting acceptance of gifts of value of \$20,000 in counties having less than 25,000 population; others \$30,000.

Chap. 16, Feb. 17, 1905.

646. IOWA: Relating to the terms of office of trustees of county high schools.

See No. 44.

647. KANSAS: Repealing, and reenacting with amendments, sec. 6441, General Statutes, 1901, relating to the courses of instruction for county high schools.

Increasing length of course from three to four years.

Chap. 389, Mar. 7, 1905.

648. \* KANSAS: Providing for the maintenance and regulation of high schools in cities of less than sixteen thousand inhabitants.

Providing for submission of question of establishment of high school to vote of electors of county; taxation for support not less than one-fourth mill nor more than three mills.

SECTION 8. At least two courses of instruction shall be provided, each requiring four years' work, namely: A college preparatory course, which shall fully prepare those who complete it to enter the freshman class of the college of liberal arts and sciences of the University of Kansas, and a general course, designed for those who do not intend to continue school work beyond the high school.

Chap. 397, Feb. 25, 1905.

649. MAINE: Amending sec 62, chap. 15, Revised Statutes, 1903, relating to provisions for secondary education for pupils in towns having no free high schools.

Authorizing town school committee to contract with adjoining town.

Sec. 13, Chap. 48, Mar. 11, 1905.

650. MASSACHUSETTS: Amending chap. 34, Act of January 23, 1789, relating to the membership on the board of trustees of Roxbury Latin school.

Chap. 113, Feb. 26, 1906.

651. NEW HAMPSHIRE: Amending sec. 4, chap. 96, Laws, 1901, as amended by sec. 1, chap. 31, Laws, 1903, relating to high schools.

Defining high school or academy \* \* \* "a school having at least one course of not less than four years, properly equipped and teaching such sub-

jects as are required for admission to college, technical school, and normal school, including reasonable instruction in the constitution of the United States and in the constitution of New Hampshire." \* \* \*

Chap. 19, Feb. 15, 1905.

652. \*NEW HAMPSHIRE: Providing for the discontinuance or relocation of a high school only by the Superior Court, upon petition of school board of town district.

Chap. 20, Feb. 15, 1905.

653. NEW HAMPSHIRE: Requiring towns in which there is a high school to raise and appropriate each year sufficient money properly to maintain such school.

Chap. 72, Mar. 9, 1905.

654. NEW HAMPSHIRE: Amending sec. 6, chap. 96, Laws, 1901, as amended by chap. 118, Laws, 1903, relating to high school tuition for pupils residing in town where high school is not maintained.

School district may contract with and appropriate money to any high schools or *other literary institutions* in the state, in addition to academies in the district.

Chap. 90, Mar. 10, 1905.

655. \* NORTH CAROLINA: Relating to the establishment of township high schools, substituting for sec. 70, chap. 4, Laws, 1901, as amended by sec. 23, chap. 435, Laws, 1901, and repealed by sec. 13, chap. 533, Laws, 1905.

Providing for special elections upon petition of one-fourth of freeholders and approval of county board of education for special tax of one to three mills. Creating township high school committee.

Prescribing powers, duties, and qualifications of committeemen; and regulations governing course of study.

Sec. 13, Chap. 533, Mar. 6, 1905.

656. \* PENNSYLVANIA: Extending opportunities for high school education to children residing in school districts having no public high schools by permitting attendance upon high school of neighboring district, and providing for payment of tuition and schoolbooks from public funds.

Act No. 23, Mar. 16, 1905.

657. \* PENNSYLVANIA: Appropriating \$200,000 for the encouragement and support of township high schools during the biennium 1905-1907.

Sec. 8, Act. No. 506, May 11, 1905.

658. VERMONT: Repealing secs. 701 and 702, Statutes, 1894, and no. 27, Acts, 1902, relating to high schools and academies, and enacting a substitute.

Providing for the establishment of high schools by *all* towns in state (formerly towns of 2,500 population), or otherwise providing for high school instruction at an annual cost for tuition not to exceed \$24. Special state aid for paying tuition of pupils and to towns of less than two thousand population.

Act No. 37, Nov. 29, 1904.

VERMONT, 1906: Under Acts, 1904, No. 37, p. 61, requiring towns to establish and maintain a high school or furnish higher instruction for advanced pupils, and authorizing the board of school directors to provide for the instruction of advanced pupils in a high school or schools of the town, in the high school of an incorporated school district or academy within the town, or in the high schools or academies of other towns, the board of school directors has a discretion in determining which of the modes of furnishing high school instruction they will adopt, and so long

as they select one mode they can not be compelled by mandamus to select another mode in its place.

*Samson v. Town of Grand Isle*, 63 A, 180.

659. VIRGINIA: Vesting title of property of county high school in county school board.

*See No. 70.*

660. WISCONSIN: Adding sec. 491c, Statutes, 1898, relating to the establishment of joint free high school district.

Town, village, city, or school district board to submit question of establishment when petitioned by ten per cent of electors.

Chap. 174, May 8, 1905.

661. WISCONSIN: Amending sec. 490, Statutes, 1898, relating to free joint high schools.

Defining manner of giving notification of election, and validating action already taken by any town, village, city school district or subdistrict in forming high schools or joint high schools.

Chap. 258, May 25, 1905.

662. WYOMING: Providing for the organization of free high school districts and the establishment and maintenance of free high schools.

Providing for submission of question to electors by county commissioners upon petition of one hundred freeholders; for the election of a board of trustees, and the officers, powers, and duties of said board; for the courses of instruction and terms of admission to said school.

Chap. 67, Feb. 20, 1905.

## O. HIGHER EDUCATIONAL INSTITUTIONS.

### (a) Finance; Lands; Support.

The leading characteristic of the legislation relating to the general financial policy of the states toward their higher educational institutions is clearly one of increased liberality. Idaho (666 to 669, inclusive) created special funds for each of the higher institutions; Iowa (672, 673, 674), Ohio (682, 683), Wisconsin (686-687), and Wyoming (688) each revised their tax levies in such a way as to provide for additional supporting funds.

While not in reality a part of the financial policy of those states towards higher education, the enactments of Indiana (671) and Kansas (676) are here included by reason of the special interests involved.

663. CALIFORNIA: Authorizing appropriation of \$83,800 to the University of California to restore and replace income and buildings lost thru disaster and fire.

Chap. 30, June 14, 1906 (sp. sess.).

664. COLORADO: Granting financial aid to the agricultural college.

Appropriating the sum of \$30,000 for the purpose of supplementing and extending the course of instruction at the state agricultural college, and the work of the experiment station conducted in connection with said college, during the years 1905 and 1906.

Chap. 30, Apr. 6, 1905.

665. CONNECTICUT: Amending sec. 170, Public Acts, 1903, relating to the income of the fund of the agricultural college.

Fixes interest payment at five per cent, to be paid quarterly by the treasurer of the state to the agricultural college.

Chap. 74, May 18, 1905.

**666. IDAHO: Creating and establishing the Normal School fund.**

Designating that interest and rental income from certain lands granted by Act of Congress July 3, 1890, shall be credited to this fund. One-half of fund to go to each of the two state normal schools.

S. B. No. 111, Page 393, Mar. 6, 1905.

**667. IDAHO: Creating and establishing the University fund.**

Designating that interest and rental income from certain lands granted by Act of Congress July 3, 1890, shall be credited to this fund.

S. B. No. 126, Page 417, Mar. 6, 1905.

**668. IDAHO: Creating and establishing the University School of Science fund.**

Designating that the interest and rental income from certain lands granted by Act of Congress July 3, 1890, shall be credited to such fund.

S. B. No. 127, Page 418, Mar. 6, 1905.

**669. IDAHO: Creating and establishing the Agricultural College fund.**

Designating that interest and rental income from the ninety thousand acres of land granted by Act of Congress July 3, 1890, shall be credited to this fund.

Moneys credited during year 1905 and 1906 to be used for support and maintenance of College of Arts of University of Idaho.

S. B. No. 128, Page 419, Mar. 6, 1905.

**670. IDAHO: Providing for the issuance of \$12,000 four per cent ten-twenty year state bonds for the erection and equipment of a domestic-science building at the University of Idaho, and for a sinking fund for the redemption of such bonds.**

S. B. No. 198, Page 221, Mar. 8, 1905.

IDAHO, 1905: Act of March 8, 1905, providing for the issuance of \$12,000 in state bonds for the erection of a domestic-science building in connection with the state university, and providing for a sinking fund for the redemption of such bonds, is *unconstitutional* as failing to provide any means for the payment of the interest or debt that would be created by the issuance of such bonds.

Roach v. Gooding (81 P., 642).

**671. INDIANA: Exempting from taxation personal property and one acre of real property of Greek letter fraternities connected with institutions of learning.**

Chap. 33, Feb. 24, 1905.

**672. IOWA: Authorizing the executive council of the state of Iowa to grant a right of way for an interurban or other railway over and across the lands and campus of the Iowa State College of Agriculture and Mechanic Arts and to fix the terms and conditions therefor.**

Chap. 215, Apr. 9, 1906.

**673. IOWA: Providing for a levy of a special tax of one-fifth of a mill on the dollar upon the assessed valuation of the taxable property of the state for the erection, repair, and improvement of buildings for the State University. To be levied annually for five years beginning 1907.**

Chap. 183, Apr. 10, 1906.

**674. IOWA: Providing for a levy of a special tax of one-fifth of a mill on the dollar upon the assessed valuation of the taxable property of the state for the erection, repair and improvement, and equipment of buildings for the State College of Agriculture and Mechanic Arts. To be levied annually for five years beginning 1907.**

Chap. 184, Apr. 10, 1906.

675. IOWA: Providing for a levy of a special tax of one-tenth of a mill on the dollar upon the assessed valuation of the taxable property of the state
- for the erection, repair, improvement, and equipment of buildings for the State Normal School.

Chap. 186, Apr. 10, 1906.

676. KANSAS: Providing for the exemption from taxation of all buildings owned by any college society or used as a dormitory or literary hall.

Chap. 501, Mar. 7, 1905.

677. KANSAS: Appropriating funds for support and maintenance of state agricultural college and fixing fees to be paid by students.

Chap. 17, Mar. 9, 1905.

678. KANSAS: Relating to the recording and investing of state agricultural fund, state normal fund, state university fund.

*See No. 199.*

679. KENTUCKY: Providing for tax of one-half of one cent on each hundred dollars for agricultural and mechanical college.

*See No. 211.*

680. MINNESOTA: Granting to the University of Minnesota the right to accept gifts, grants, bequests, or devises for educational purposes; and providing for endowed professorships from gifts of not less than \$50,000 for this purpose.

Chap. 187, Apr. 15, 1905.

681. NEBRASKA: Granting to Regents of University of Nebraska power to acquire by condemnation proceedings lands for university purposes and prescribing manner of appraisal and appeal.

Chap. 158, Mar. 27, 1905.

682. OHIO: Declaration of the policy of the state with reference to higher educational institutions. Repealing secs. 3951a and 3951b, Revised Statutes, 1905, and page 45, Laws, 1902.

Ohio University at Athens and Miami University at Oxford to be supported as colleges of liberal arts without technical or graduate instruction. Ohio State University at Columbus to provide in addition to liberal courses professional, technical, and graduate instruction.

Fixing permanent tax levies for support of each institution; two and one-half one-hundredths of one mill for Miami University; one one-hundredth of one mill for normal school at Miami University; two and one-half one-hundredths of one mill for Ohio University; one and one-half one-hundredths of one mill for normal school at Ohio University; sixteen one-hundredths of one mill for Ohio State University.

Provision for inspection of accounts of institutions by state bureau of public accounting.

H. B. No. 45, Page 309, Apr. 2, 1906.

683. OHIO: Relating to state tax for Ohio State University fund.

*See No. 215.*

684. OREGON: Providing for the auditing and monthly payment of the salaries or compensation of the officers and employees of the state university, the state normal schools, the Oregon school for deaf-mutes, and of employees of other state institutions.

Chap. 99, Feb. 18, 1905.

685. RHODE ISLAND: Amending chap. 66, General Laws, 1896, as amended by chap. 668, Acts, 1899, relating to the college of agriculture and mechanic arts.

Increasing the annual appropriation for the college of agriculture and mechanic arts from \$15,000 to \$25,000.

Chap. 1353, Apr. 20, 1906 (Jan. 1, 1907).

686. WISCONSIN: Amending sec. 390, Statutes, 1898, as amended by sec. 1, chap. 170, Laws, 1899, sec. 1, chap. 322, Laws, 1901, and sec. 1, chap. 344, Laws, 1903, relating to funds for support of University of Wisconsin.

Consolidating miscellaneous tax levies and funds into annual tax levy of two-sevenths of mill. Making annual appropriation of \$200,000 for three years for buildings and equipment.

Prohibiting establishment of new schools or colleges in university.

Chap. 320, June 8, 1905.

687. WISCONSIN: Amending chap. 468, Laws, 1905, relating to temporary transfers from the general fund to the university fund income.

Authorizing the secretary of state, with the approval of the governor, to make transfers for fiscal years commencing July 1, 1905, and July 1, 1906.

Chap. 14, Dec. 19, 1905 (sp. sess.).

688. WYOMING: Amending sec. 1833, Revised Statutes, 1899, relating to taxation for support of University of Wyoming.

Increasing state tax from one-fourth mill to three-eighths mill.

Chap. 57, Feb. 20, 1905.

#### (b) State Universities and Colleges.

The measures reorganizing the higher educational interests in Florida (693) and Ohio (699a), and that fixing the jurisdiction and authority of the board of regents over the University of Minnesota (698), the proposal to consolidate the University and the Agricultural College in Utah (703), and the legislative investigation of the affairs of the University of Wisconsin (707) represent the most important of the enactments passed relating to state universities and colleges.

689. ARIZONA: Prohibiting the establishment and maintenance of saloons, gambling houses, and other places inimical to good morals, within four thousand feet of the grounds of the University of Arizona.

Chap. 21, Mar. 4, 1905.

690. ARKANSAS: Requiring secretary of state to send a copy of all printed state documents and publications, and a copy of all publications of the federal government, duplicate copies of which are in the state library, to the library of the University of Arkansas.

Act No. 80, Mar. 10, 1905.

691. ARKANSAS: Providing for the support, maintenance, and improvement of the University of Arkansas. Appropriations for buildings and different departments.

Section 3, concerning the employment of relatives of members of the board of trustees, the privilege of female pupils to study music, and fees for certain students; and section 5, relating to conditions of entrance of students, vetoed by the governor.

Act No. 236, May 6, 1905.

692. ARKANSAS: Prohibiting sale or giving away of intoxicating liquors within five miles of the University of Arkansas.

Act. No. 274, May 6, 1905.

693. FLORIDA: Amending and repealing sundry sections Revised Statutes, 1892, and sundry other laws.

Abolishing various higher state educational institutions—University of Florida at Lake City, Florida State College at Tallahassee, White Normal School at De Funiak Springs, East Florida Seminary at Gainesville, South Florida College at Bartow, and Florida Agricultural Institute in Osceola County. Abolishing title of St. Petersburg Normal and Industrial School at St. Petersburg and transferring the property to the County of Hillsborough.

Establishing University of the State of Florida and the Florida Female College and indicating departments and conditions of admission thereof. Reorganizing the Colored Normal School and the Institute for the Blind, Deaf, and Dumb.

Abolishing all boards of trustees, managers, and officers of the several institutions and transferring management and control to a Board of Control, which is under the supervision of the State Board of Education. Provisions for support, control of property, and reports.

Chap. 5384 (No. 13), June 5, 1905.

**FLORIDA:** The legislature has general control of the educational system of the state, and chapter 5384 of the Laws of 1905, creating a board of control and vesting it with the management of the several state institutions of learning, is constitutional and valid. \* \* \* In providing for a colored normal school and for a normal department to the state university of Florida, and in conferring on the state boards of education and control to establish a normal department in the female college, sufficiently complies with Const., arts. 12, 14, relative to normal schools.

State v. Bryan (39 So. 929).

694. **ILLINOIS:** Repealing, and reenacting with amendments, Laws, 1895 (June 24th), page 325, relating to the apportionment of and examinations for free scholarships for the University of Illinois.

Giving to each member of general assembly authority to nominate and appoint one candidate. Provisos.

Page 380, May 12, 1905.

695. **IOWA:** Amending sec. 2641, Code, 1897, relating to reports of state university.

To be made in *even* instead of *odd* numbered years.

Chap. 123, Mar. 30, 1906.

696. **KANSAS:** Appropriating certain funds for the support and maintenance of the University of Kansas. Regulation of fees to be collected from students.

Chap. 31, Mar. 4, 1905.

697. **MASSACHUSETTS:** Repealing sundry acts and enacting a new measure relating to payments for scholarships at Worcester Polytechnic Institute.

Increasing annual state scholarship grant from six thousand to ten thousand dollars.

Chap. 109, Feb. 24, 1905.

698. **MINNESOTA:** Divesting the state board of control (with the exception of authority over financial matters, relating to the erection and construction of new buildings, purchase of fuel, and placing of insurance) of jurisdiction and authority over the state university and state normal schools, and providing for the financial management of the state university by the board of regents and the state normal schools by the state normal school board as prior to April 1, 1901 (chap. 122, Laws 1901).

Chap. 119, Apr. 7, 1905.

699. **NEVADA:** Amending sec. 1391, Compiled Laws, 1900 (sec. 2, chap. 37, Statutes 1887), relating to board of regents of state university.

Increasing number of regents from *three* to *five*.

Chap. 88, Mar. 16, 1905.

699a. **OHIO:** Reorganization of state university and colleges.

See No. 682.

700. SOUTH CAROLINA: Amending sec. 1257, Civil Code, 1902, relating to the State University and its branches.

Changing name of branch at Columbia from South Carolina College to University of South Carolina.

Act No. 14, Feb. 17, 1906.

701. SOUTH CAROLINA: Providing for ten days Christmas recess at all State colleges.

Act No. 30, Feb. 17, 1906.

702. SOUTH CAROLINA: Providing that subsidized educational institutions shall report annually to legislature the names of all beneficiary and scholarship students.

Act No. 69, Feb. 24, 1906.

703. UTAH: Creating a commission to consider advisability of submitting to the electors of the state a constitutional amendment providing for the consolidation of the Agricultural College and the University of Utah. Report before July 1, 1906. Appropriating \$6,000.

Chap. 104, Mar. 9, 1905.

704. UTAH: Amending sec. 2292, Revised Statutes, 1898, relating to courses of instruction in the University of Utah.

Excepting provisions prescribed for normal course, university may not include courses in agriculture, horticulture, animal husbandry, veterinary science, domestic science and art, or irrigation as applied to agriculture.

Chap. 133, Mar. 20, 1905.

705. VERMONT: Providing for the nomination, by each state senator, annually for ten years of two residents of his county as principal and alternate for scholarships at state military college, Norwich University.

Annual appropriation of \$2,500 for department of engineering of said institution.

Act No. 52, Dec. 9, 1904.

706. VIRGINIA: Providing that the Superintendent of Public Instruction shall be ex officio a member of the board of visitors (sec. 1542, Code, 1904) of the University of Virginia.

Chap. 307, Mar. 17, 1906.

707. WISCONSIN: Providing for a committee of the legislature to investigate the state university and making an appropriation therefor.

Act past in accordance with joint resolution, No. 5A (p. 41, sp. sess., 1905).

Chap. 7, Dec. 19, 1905 (sp. sess.).

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## P. PROFESSIONAL AND HIGHER TECHNICAL EDUCATION.

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### (a) Teachers' Colleges and Normal Schools.

[See Section G, enactments 455-475 and reviews p. 83.]

708. VIRGINIA: Amending chap. 434, acts, 1888, relating to the establishment of and aid to the normal department of William and Mary College.

Authorizing, subject to acceptance of the provisions of the act by the authorities of the college, the transference of the real estate and personal property of



said college to the state. Administration and control to be under board of ten visitors appointed by governor with consent of senate. Duties and powers of board of visitors. Selection of student for scholarships.

Chap. 92, Mar. 7, 1906.

### (b) Agricultural Colleges.

The enactments in this section indicate the further extension and development of this valuable type of state educational institution. The first two noted, Arkansas (709) and Iowa (710), are closely related to those dealing with certain aspects of elementary technical and industrial education previously discussed (see enactments 616-625). Those of Minnesota (711) and New York (714) widen the scope of the influence of the agricultural colleges of those states. That of Utah (716) seeks to restrict the work of the agricultural college to its legitimate channels and bring it into proper economical relation with the state university (see enactment 704).

709. ARKANSAS: "An act to extend the usefulness and development of the Arkansas Agricultural Experiment Station in agriculture, horticulture, veterinary, entomology and kindred subjects, and making appropriations for the improvement and maintenance of the same."

Establishing courses of instruction at state university, branch experiment stations, and agricultural investigations.

Act No. 231, May 1, 1905.

710. IOWA: Authorizing state college of agriculture and mechanic arts to undertake and maintain a system of agricultural extension work. Courses of instruction and experimental work in agriculture thruout the state. \$15,000 appropriated.

Chap. 185, April 10, 1906.

711. MINNESOTA: Establishing at Crookston a branch school of agriculture as a department of the University of Minnesota.

Special attention to agriculture and domestic economy.

Chap. 132, April 11, 1905.

712. NEW JERSEY: Amending secs. 1, 3, and 4, chap. 108, Acts, 1890, relating to scholarships at state agricultural college.

Modifying number of students to be selected and providing for an annual payment by state to agricultural college of \$120 for each scholarship; maximum expenditure, \$15,000.

Chap. 90, Mar. 31, 1905.

713. NEW YORK: Providing for the administration of the New York State College of Agriculture, established at Cornell University by chap. 655, Laws, 1904, and outlining scope of instruction.

Chap. 218, April 12, 1906.

714. NEW YORK: Establishing New York State School of Agriculture at Saint Lawrence University.

Appropriating \$80,000 for erecting and equipping suitable building. Prescribing objects and purposes of the school, and powers and duties of board of trustees.

Chap. 682, May 31, 1906.

715. PENNSYLVANIA: Providing for the reorganization of the board of trustees of the Pennsylvania State College.

Increasing membership by two elective representatives of alumni, two members appointed by Governor, and five members ex officio—Governor, President of College, State Superintendent of Public Instruction, President of State Agricultural Society, and Secretary of State Board of Agriculture.

Act No. 35, Mar. 24, 1905.

716. UTAH: Amending sec. 2087, Revised Statutes, 1898, relating to courses of instruction in Agricultural College.

Agricultural college may *not* offer courses in engineering, liberal arts, pedagogy, law, or medicine.

Chap. 134, Mar. 20, 1905.

717. WASHINGTON: Changing name of the Washington Agricultural College to the State College of Washington.

Chap. 53, Mar. 2, 1905.

718. WYOMING: Repealing chap. 92, Laws, 1891 (secs. 504-519, Revised Statutes, 1899), relating to the establishment, government, and maintenance of Wyoming Agricultural College.

Chap. 10, Feb. 7, 1905.

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(c) Mining Schools.

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(d) Military Schools.

719. IDAHO: Providing for the enrollment and organization of the state militia. Relating to the corps of cadets at the University of Idaho.

H. B. No. 18, Art. 2, Page 16, Feb. 18, 1905.

720. IOWA: Repealing sec. 2191, code, 1897, relative to schools of instruction for officers and men of the national guard.

Schools of instruction may be ordered when sufficient funds are available beyond other requirements of the chapter.

Sec. 10, Chap. 91, Apr. 5, 1906.

721. NEW MEXICO: Amending sec. 6, chap. 6, Acts, 1901, relating to age of appointees to New Mexico Military Institute.

Raising maximum limit of age of entrance (14-20) from twenty to twenty-one (14-21).

Chap. 108, Mar. 16, 1905.

722. SOUTH CAROLINA: Amending sec. 1276, art. III, chap. 25, Code, 1902, relating to powers of board of visitors at the Military Academy.

Revising the powers of the board of visitors of the military academy relative to the employment and dismissal of professors.

Act No. 415, Feb. 18, 1905.

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**Q. PRIVATE AND ENDOWED HIGHER INSTITUTIONS—STATE CONTROL.**

With but one exception the enactments in this section are of a minor and local importance. That of Wisconsin (731) seems to be a move for a better coordination of private and public efforts for commercial education, and one calculated to give due recognition to those private institutions that are of high grade and entitled to public confidence.

723. CALIFORNIA: Submitting amendment to Const., 1879, art. 9, by adding sec. 13, exempting Cogswell Polytechnical College from taxation; legislature may modify, suspend, or revive at will.

Vote Nov., 1906.

Page 1072, Mar. 10, 1905.

724. INDIANA: Authorizing any university or college organized or existing as a corporation under any special law, or special charter, having a board of directors and having capital stock to provide by by-law or resolution that at least four-fifths of the members of its board shall be members

of any church or religious denomination as designated by such by-law or resolution.

Must be accomplished before Jan. 1, 1907.

Chap. 83, Mar. 3, 1905.

725. MICHIGAN: Giving to members of alumni associations or graduates of degree-granting educational institutions authorized to elect trustees, etc., of the governing body of the institution the right to vote by mail.

Act No. 86, May 3, 1905.

726. NEW YORK: Amending sec. 2, chap. 585, Laws, 1865, as amended by chap. 87, Laws, 1895, as amended by chap. 238, Laws, 1896, and as amended by chap. 97, Laws, 1905, relating to the composition and election of the board of trustees of Cornell University.

Chap. 1, Feb. 5, 1906.

727. NEW YORK: Permitting the Carnegie foundation, a corporation duly incorporated under the laws of New York, to convey its property to the Carnegie Foundation for the Advancement of Teaching.

Chap. 145, Apr. 5, 1906.

728. OKLAHOMA: Amending sec. 1146, Revised and Annotated Statutes, 1903, relating to the incorporation of religious, charitable, educational, and benevolent organizations.

Providing for a certificate fee of two dollars.

Chap. 10, Art. 7, Feb. 8, 1905.

729. SOUTH CAROLINA: Amending the charter of incorporation of Williamston Female College, of Greenwood.

Changing the name to Lander College. Authorizing board of trustees to confer the usual literary degrees.

Act No. 506, Feb. 21, 1905.

730. TEXAS: Submitting amendment to sec. 2, art. 8, Const., 1876, relating to exemptions from taxation.

Exempting for two years after purchase bonds and mortgages of endowment fund investment of educational and religious institutions.

Vote Nov., 1906.

Page 410, Apr. 15, 1905.

731. WISCONSIN: Authorizing State Superintendent of Public Instruction to prescribe course of study for commercial schools and colleges and providing for publication of accredited list of such.

Chap. 124, Apr. 29, 1905.

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## R. LIBRARIES.<sup>a</sup>

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### (a) Public School Libraries.

That the library is an essential part of the equipment and activities of the public education is becoming more and more recognized, and the tendency of recent legislation is to provide for the establishment and support of public-school libraries. This tendency is particularly evident in certain of the Southern

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<sup>a</sup> Legislation relating to public school libraries only has been indexed and recorded here.

states, Louisiana (733), North Carolina (737), and South Carolina (741) having each passed acts of a progressive and influential character. Wisconsin (742 to 745, inclusive) passed several acts calculated to improve her already efficient library system. Nevada (736) and Ohio (738) placed themselves in the line of the public-school library states.

732. CONNECTICUT: Authorizing the establishment of school libraries at temporary home.

Chap. 50, May 12, 1905.

733. \*LOUISIANA: Relating to the establishment and enlargement of public school libraries.

Authorizing the parish school boards to duplicate private donations of ten dollars for the establishment of public school libraries and to appropriate from five to fifteen dollars for each five dollars donated for the enlargement of libraries; providing that not more than one appropriation be made for each school or grade each year. Rules and regulations for selection and care of books to be prescribed by State Superintendent of Public Education.

Act No. 202, July 12, 1906.

734. MINNESOTA: Authorizing appropriation of \$10,000 for school libraries.

Chap. 22, Mar. 2, 1905.

735. MONTANA: Amending sec. 2000, Political Code, 1895, relating to the establishment and use of the school library fund.

Permitting fund to be used for payment of current expenses for maintenance of schools in school districts other than cities maintaining a free public library and having a population of two thousand or more.

Chap. 14, Feb. 14, 1905.

736. NEVADA: Authorizing the appropriation of \$3-\$5 for each teacher and 5-10 cents for each census child to county school library fund.

Chap. 87, Mar. 16, 1905.

737. \*NORTH CAROLINA: Providing for the establishment and enlargement of libraries in the public schools of rural districts.

State to duplicate private subscriptions of \$10 to found or \$5 to enlarge libraries in school districts of less than one thousand population. Limit of six new and six enlarged libraries in each county in any one year. Appropriating biennially \$7,500 to carry out provisions—\$5,000 for new libraries and \$2,500 for enlargement of libraries.

Chap. 381, Mar. 4th, 1905.

738. OHIO: Amending sec. 1, page 8, Laws, 1902 (special session), relating to libraries.

Board of education may provide free libraries for city, village, township, and special school districts. Regulations relating to organization and management. Provisions of act extended to libraries owned jointly by two or more school districts.

Page 244, Apr. 2, 1906.

739. \*OREGON: Amending secs. 3462-3469, Annotated Codes and Statutes, 1901, relating to district school libraries.

Chap. 132, Feb. 15, 1905.

740. PENNSYLVANIA: Amending sec. 3, chap. 291, Laws, 1895, relating to taxation for school purposes.

Library tax to be included in school tax levy on same subjects of taxation.

Chap. 167, Apr. 20, 1905.

741. SOUTH CAROLINA: Amending no. 207, Acts, 1904, relating to public school libraries.

Providing that county school boards shall, in case of a private gift to establish a library, appropriate ten dollars for the purchase of a bookcase; that gifts

of five dollars to enlarge libraries be duplicated, and increasing number of schools in each county to 25 instead of 10.

Act No. 442, Feb. 22, 1905.

742. WISCONSIN: Creating a committee to secure bids and make contracts for purchase of school library books. Prescribing method of procedure.

Chap. 243, May 24, 1905.

743. WISCONSIN: Amending sec. 1, chap. 238, Laws, 1899, relating to Free Library Commission.

Increasing annual appropriations from \$3,500 to \$7,000, and providing for maintenance of summer school of library science.

Chap. 377, June 14, 1905.

744. WISCONSIN: Amending sec. 486A, Statutes, 1898, relating to the selection of books for township school libraries.

Chap. 417, June 17, 1905.

745. WISCONSIN: State superintendent to prescribe rules and regulations for management of township school libraries and to furnish printed card catalogs for the use of the same.

See No. 36.

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## S. EDUCATION OF DEFECTIVES AND DELINQUENTS.<sup>a</sup>

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The development of the public school system so as to provide for the instruction of the defective classes of children is among the interesting phenomena of present-day educational activity. The enactments relating to the education of deaf and dumb, blind, and crippled and deformed children, included in this section, are evidence of the intent of these states to leave no child without the scope of the influences of the public school, and are consequently of a significant character.

### (a) Deaf and Dumb.

746. ILLINOIS: Repealing act, page 290, Laws, 1897, relating to education of deaf children.

Authorizing establishment of classes of three for deaf children from 3 to 21 years of age; prescribing teachers' qualifications.

Page 373, May 18, 1905.

747. KANSAS: Extending the provisions of chap. 423, Laws, 1903, regarding compulsory education so as to include deaf and dumb children between ages of seven and twenty-one. Penalties for violation. Prescribing method of instruction.

Chap. 384, Mar. 9, 1905.

748. MICHIGAN: Amending chap. 176, Laws, 1899, relating to establishment of day schools for the deaf.

Chap. 224, June 16, 1905.

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<sup>a</sup> Only such enactments are included in this section as relate to the education of defectives and delinquents in the public school system. Legislation relating to state charitable, penal, and corrective institutions has been omitted. In many respects the inclusion of such legislation would seem to be necessary and desirable for the completeness of this publication. However, the difficulty of making a clear line of separation between the penal and educational features of such legislation renders the present course the more expedient one.

749. OHIO: Authorizing district school boards, boards of trustees of graded schools and boards of education in cities to establish and maintain day schools for the deaf.

Providing for annual state aid—\$150 for each pupil; also inspection of schools for the deaf.

H. B. No. 134, Page 219, Apr. 2, 1906.

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(b) Blind.

750. MARYLAND: Compulsory attendance of blind and deaf children.

*See No. 545.*

751. MASSACHUSETTS: Extending the time in which commission on registration and industrial training of adult blind is to report to Jan. 15, 1906.

Resolves, Chap. 1, Jan. 16, 1905.

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(c) Crippled and Deformed.

752. ILLINOIS: Repealing act, page 314, Laws, 1903, and authorizing the establishment by school districts of classes for crippled children.

Minimum size of class 15. Age limitations of pupils 6 to 21. Prescribing teachers' qualifications.

Page 372, May 18, 1905.

753. OHIO: Providing for the appointment of a commission to accept donations, select and purchase lands and erect thereon the necessary buildings and structures for a state institution for the treatment and education of deformed and crippled children.

Providing for a board of trustees and the control and management of said institution, appropriating \$50,000.

S. B. No. 63, Page 57, Mar. 17, 1906.

## RECENT DECISIONS OF STATE SUPREME COURTS UPON TOPICS OF CURRENT INTEREST IN PUBLIC EDUCATION.<sup>a</sup>

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### EXPLANATORY STATEMENT.

The following decisions of the highest courts of the states concerned have been selected for presentation here primarily by reason of their evident far-reaching influence upon the schools of the states in which the decisions have been rendered, in addition to the fact that they deal with topics possessing more than ordinary interest to those engaged in the work of public education. No effort has been made to discuss either the educational or the judicial implications of the decisions. The first would necessitate a fairly accurate knowledge of the local educational circumstances involved, while to attempt the second would not only carry the discussion beyond the present purpose but would perhaps evidence presumption on the part of a layman. It has been deemed sufficient to present the facts and opinion rendered, either in full or by digest, in each case.

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### I. THE ILLINOIS NORMAL SCHOOL CASE.

(*Lindblad v. Board of Education of Normal School District et al.* Supreme Court of Illinois, April 17, 1906. 221 Ill. 261; 77 N. E. 450.)

This case is one of great importance to the public school system of the State of Illinois, on account of the influence of the decision of the court upon the status and development of the professional training of teachers in that state. It arose from a suit by Andrew Lindblad against the board of education and others of the Normal School district of Normal, Ill. The decision of the Appellate Court, Third District, was reversed by the Supreme Court, and the cause remanded to the circuit court for further proceedings consistent with the views expressed in the opinion.

The following is a statement of the facts of the case, taken from the opinion of the Appellate Court of the Third district:

Appellant, a taxpayer and legal voter in the Normal school district of McLean county and a patron of the common schools in said district, filed his bill in equity against the board of education Nor-

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<sup>a</sup> For other decisions of State supreme courts relating to public education consult index, under "Decisions."

mal school district, the board of education of the state of Illinois, and certain individuals, appellees, for the purpose of having a certain contract entered into between said board of education of Normal school district and said board of education of the state of Illinois, merging the model school of the Illinois State Normal University into the public school system of the town of Normal, declared illegal and void, and for an injunction restraining the board of education of Normal school district from carrying out the terms and conditions of said contract, and from issuing orders upon the treasurer of said district directing him to pay the salaries of certain critic teachers and of Enoch A. Fritter, superintendent. \* \* \*

This agreement, made and entered into this eighteenth day of April, 1901, by and between the board of education of the town of Normal, county of McLean, and state of Illinois, and the board of education of the state of Illinois, witnesseth: That the model school of the Illinois State Normal University shall be merged into the public school system of the town of Normal, and that said Normal University shall be permitted to use certain grades or rooms as practice schools under the following conditions: (1) Pupils of the first five years of school life shall attend the west side school or the east side system under regulations fixed by the public school board. (2) Pupils attending the east subdistrict doing the work of the first eight school years shall be distributed among twelve rooms or grades, the pupils to remain on the average of two terms or twenty-four weeks in each grade. (3) The twelve grades shall be housed, six (or seven) in the model school, the rest in the public school building. (4) The grades in the model school building shall be grades or rooms 1, 2, 3, 4, 11, 12, or such other rooms as may be agreed upon by the superintendent of the public school and the president of the university. (5) The high school department of the model school shall be abandoned, but the university shall be permitted to furnish teachers for six high school classes each term, such classes to be selected by the city superintendent and such student teachers to be approved by him. In such classes lesson plans shall be submitted to the high school authorities and shall be under their supervision and direction. Any such teacher may be deprived of his class at any time his work be not satisfactory to the superintendent. (6) The university shall furnish janitor, fuel, repairs, and ordinary school supplies for the grades housed in the model school building. The public school board shall furnish the same for the grades in the public school building. (7) The university may be permitted to use the grades in the model school building, and one or two grades, as needed, in the public school, as a practice school. (8) The public school board shall pay the teachers in the practice schools not less than \$42.50 per month. (9) In each room so used as a practice school the teachers shall be paid by the university such additional sum as may be necessary to secure persons able to supervise and direct the work of student teachers in the most thorough manner. Such additional salary shall not be less than \$234 per year. The university shall not be bound by this section to pay more than \$450 per year additional salary to any critic teacher. (10) No teacher shall be permitted to teach in the practice school except members of the senior class or persons whose general experience has eminently fitted them for teaching. (11) At a date not



later than April 1 the university authorities shall notify the public school board what grades the university shall wish to use the following year as practice schools. (12) In all grades used as practice schools the teachers shall be selected by the concurrent action of the state board and of the public school board. In all grades not used as practice schools the public school board shall have exclusive right to select the teachers. (13) The course of study shall be prepared by the president of the university and the superintendent of schools and submitted to the public school board for amendment and adoption. (14) Rules and regulations relating to rights and obligations of parents' and pupils' reports, discipline, promotions, and all other matters of a general character shall be made by the public school board. (15) The university shall have power to make necessary regulations in regard to the use of the university property and in regard to the mode of instruction and daily program in the practice schools. (16) All text-books that pupils are required to buy shall be prescribed by the public school authorities. (17) If copies of such regularly adopted text-books are needed by indigent children, they shall be furnished by the public school board. (18) The school year in the public school shall be divided into terms in conformity with the three regular terms of the university calendar. (19) Tuition in all grades shall be free to all residents of Normal. (20) Rates of tuition for nonresident pupils shall be fixed by the public school board, and such tuition shall be paid into the public school treasury. (21) All pupils attending the grades in the model school building shall have the privilege of the campus of the university, library, and gymnasium, under such regulations as the university may adopt. (22) The high school pupils may be permitted to use the campus for a playground, and shall be granted one hour per day for physical culture in the gymnasium under the supervision of the teacher of physical culture, on such terms as may be agreed upon by the president of the university and the superintendent, providing such privileges shall not conflict with the paramount rights of the Normal students. (23) The university instructors in music, drawing, and physical culture shall supervise the work in their respective departments in the various grades of the Normal public schools. One-third of their time shall be thus at the disposal of the public school authorities. (24) These articles of agreement may be amended by the concurrent action of the public school board and the state board of education. (25) Either party to this agreement may cause the same to terminate on June 30 of any year by giving written notice to the other party at least six months prior to the proposed termination. Wesley Grinstead, President; Enoch A. Fritter, Clerk, for the Board of education of Normal School District, Normal, Ill. The Board of Education of the State of Illinois, by William H. Green, President, Alfred Bayliss, Secretary. (Seal.)

The bill alleges that the public schools of the town of Normal are conducted under and in pursuance of the terms of said contract, and that the students in attendance upon the Illinois State Normal University, and who teach the grades housed in the model school building and one or more of the grades housed in the public school buildings of Normal school district, are not required to have certificates from the county superintendent of schools of McLean County; that appellee Enoch A. Fritter is superintendent of the public schools

in the Normal school district, and receives a salary as such superintendent of \$167.64 per month; and that said Fritter also performs educational work for appellee the board of education of the state of Illinois in supervising, directing, and controlling the work of the critic teacher employed under the contract, and receives an additional salary therefor from the said board of education of the state of Illinois. The chancellor sustained a general demurrer to the bill interposed by appellees and entered a decree dismissing the bill for want of equity. To reverse this decree the appellant prosecutes this appeal.

The town of Normal was incorporated by special act of the Legislature approved February 25, 1867. (3 Priv. Laws 1867, p. 321). Article 8 (page 329) of the charter provides for a public school system; that the town of Normal shall constitute a school district, known as "Normal School District;" that the governing body of the public schools of such district shall be styled "Board of Education of Normal School District," and shall consist of five members, each of whom shall hold office for a term of five years, one to be elected each year on the first Monday in March. Section 4 (page 330) of said article provides: "Said board of education shall be a body corporate and politic, by the name and style of 'Board of Education of Normal School District;' may have a common seal and change the same at pleasure, and as such may contract and be contracted with sue and be sued, plead and be impleaded in and before any tribunal having competent jurisdiction." Section 11 (page 333) provides: "The said board of education shall have the entire management and control of all the common schools and transact all business which may be necessary in relation to said common schools and said district, and shall have all the rights, power, and authority necessary for the proper management of the schools and school funds, with the power to make all such rules, orders and requirements as they may deem necessary to carry their powers and duties into effect and perfect a good system of public instruction and common schools in said district." Section 13 provides: "Said board shall have power and authority to divide said school district into two or more districts when in the opinion of the board it shall seem advisable."

The jurisdiction of the court of equity to award the decree sought by the bill in this case is invoked upon three grounds: First, that the contract in question is ultra vires, illegal, and void, for the reason that the board of education of Normal school district has thereby surrendered or delegated, in whole or in part, certain discretionary powers vested in it as a quasi municipal corporation by its charter, to its superintendent, Enoch A. Fritter, and to the Board of Education of the state of Illinois; second, that certain persons named in the bill as defendants and designated in the contract critic teachers, and to whom is paid \$42.50 per month each by the board of education of Normal school district, are also in the employment of and receive pay from the board of education of the state of Illinois, that the duties of said critic teachers are to supervise and direct the work of the student teachers who teach in those grades of the common schools denominated in the contract practice schools, and that said critic teachers devote very little, if any, of their time to the work of teaching the pupils attending the public schools; third, that

Enoch A. Fritter receives a salary as superintendent of the Normal school district of \$167.64 per month, and also performs education work for the board of education of the state of Illinois in supervising, directing, and controlling the work of said critic teachers, and receives therefor a salary from said board of education of the state of Illinois in addition to the salary paid him by the Normal school district.

The decision in the case rendered by Judge Scott covers three main points, as presented in the following digest:

(a) A contract between the board of education of a school district, authorized by 3 Priv. Laws, 1867, p. 321, to manage and control the common schools and employ and discharge teachers and fix their salaries, and the state board of education, whereby the State Normal University is permitted to furnish teachers not having the usual legal qualifications for certain classes, and critic teachers are to be employed by the state board and public school board acting concurrently, who are paid in part by the school district, is void.

(b) A contract of a public school board with the state board of education, in so far as it relates to the manner in which the schools are conducted and transfers authority from the public school board to the state board, and authorizing practice schools, does not cause any injury or oppression to a taxpayer, so as to entitle him to prevent its enforcement by injunction, mandamus being the proper remedy.

(c) A taxpayer is entitled to enjoin a contract between the public school board and the state board of education providing for the employment of critic teachers to be paid by the school district.

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## II. THE IOWA FOOT-BALL CASE.

*Kinzer v. Directors of Independent School District of Marion.* Supreme Court of Iowa. Jan. 18, 1906. 105 N. W. 686).

The decision in this case, while enunciating no new fundamental principle of the powers and duties of educational officers, is of more than local interest to the high schools of Iowa, on account of the present day importance that certain athletic activities have assumed in the American high schools, both large and small. That the board of education of a city in practically all of our states has had delegated to it discretionary jurisdiction over the schools of the community is a well-recognized administrative principle, yet it would seem that the courts of the states must renunciate this principle upon every disputed detail of the authority of the board.

The case arose from an action of mandamus to compel the defendants, directors of the independent school district of Marion, to admit the plaintiff to the privileges of the high school of said district, from which the defendants were excluding him under an order of suspension for violation of the rules and regulations made by them. On

demurrer to plaintiff's petition judgment was rendered for the defendants, from which the plaintiff appealed.

The circumstances and importance of the case are such as to warrant the reproduction here of the full opinion of the court rendered by Chief Justice McClain:

It appears from the allegations in plaintiff's petition that plaintiff was, by a resolution of the defendant board of directors, suspended from the high school of which he was a pupil until he should apologize to the superintendent before the school, and through the superintendent to the board, for the willful violation of a rule adopted by the board of which violation the board on investigation found plaintiff to be guilty. The rule was as follows: Resolved, That the board of directors disfavor football on account of injuries to life and limb. The board will lend all assistance, morally and financially, in support of baseball, the gymnasium, or track work, but for the above reasons will not permit football or practice under the auspices of the High School or on the school grounds. The violation charged consisted in participating in a game of football as a member of a team composed largely of the students of the high school, which was played on a Saturday afternoon at the fair grounds. It also appears that plaintiff, with the other members of the team, caused to be printed and posted in the city of Marion a poster and advertisement of the game, which was represented to be a game between the West Branch High School and the High School of Marion for which an admission fee of 25 cents was charged. The questions argued are, first, whether the board had any authority to adopt the rule above quoted; second, whether the conduct of plaintiff was a violation of such rule; third, whether a certain apology made by the plaintiff to the board (not in the method pointed out by the board in its resolution of suspension) was sufficient to entitle the plaintiff to readmission to the school under the terms of his suspension; and fourth, whether this proceeding by mandamus is the proper method of testing the validity and propriety of the proceedings of the board.

1. Considering first the question whether plaintiff has resorted to the proper procedure in order to secure a review of the action of the defendant board, it is at once apparent that his application for a writ of mandamus will not lie if he has any other remedy in the ordinary course of the law which is plain, speedy, and adequate. Code, sec. 4344. It is also plain that plaintiff cannot maintain this action to question the proceedings of the defendants in a matter which is within their discretion. Code, sec. 4341. The method provided for reviewing the proceedings of a school board, either as to law or fact, relating to a subject which is within their jurisdiction and as to which a discretion is vested in them is by appeal to the county superintendent of schools. Code, sec. 2818. But the courts are not excluded by this provision for appeal to the county superintendent from considering the question whether the board was, in the matter complained of, acting within the scope of its powers as defined by the statute. The board is given authority in Code, sec. 2772, to "make rules and regulations for its own government and that of the directors, officers, and teachers and pupils," and in Code, sec. 2782, to "expel any scholar from school for immorality or for violation of

the regulations or rules established by the board or when the presence of the scholar is detrimental to the best interests of the schools." Whether the rule adopted by the board, the enforcement of which is complained of, is reasonably within the scope of the power thus conferred is subject to inquiry in the courts, and the party complaining is not limited to an appeal to the county superintendent. *Perkins v. Directors*, 56 Iowa, 476, 9 N. W., 356; *Hinkle v. Sadler*, 97 Iowa, 526, 66 N. W., 765; *Rodgers v. Independent School Dist.*, 100 Iowa, 317, 69 N. W., 544. This is in accordance with the general rule that in an action of mandamus or other special proceedings the question whether an inferior tribunal, such as a school board, has acted within the scope of its authority may be determined. *State ex rel. v. Board of Education*, 63 Wis., 234, 23 N. W., 102, 53 Am. Rept., 282; *King v. Jefferson City School Board*, 71 Mo., 628, 36 Am. Rept., 499; *Board of Education v. Purse*, 101 Ga., 422, 28 S. E., 896, 41 L. R. A., 593, 65 Am. St. Rept., 312.

We are required, therefore, to decide whether the rule of the defendant board for the alleged violation of which plaintiff was excluded from the high school was within the power of the board to enact. And here it may be suggested that the court should hesitate to interfere with the regularly constituted school authorities in their management of the scholars which are placed under their charge. The legislature is expressly authorized to provide for the educational interests of the state in such manner as shall seem best and proper. See article 9 of section 15 of the State constitution. And in the exercise of this power school districts have been created, authorized to have exclusive jurisdiction in all school matters over their respective territories. Code, sec. 2743. It is further provided that the affairs of each school corporation shall be conducted by a board of directors. Code, sec. 2745. And the directors are, as already indicated, expressly authorized to make and enforce rules. It was plainly intended, therefore, that the management of school affairs should be left to the discretion of the board of directors and not to the courts, and we ought not to interfere with the exercise of discretion on the part of a school board as to what is a reasonable and necessary rule, except in a plain case of exceeding the power conferred. A rule may be so far unreasonable or beyond the exercise of discretion that the courts will say that the board acted without authority in making and enforcing it. *Murphy v. Board of Directors*, 30 Iowa, 429; *Perkins v. Directors*, 56 Iowa, 476, 9 N. W., 356; *State v. Vanderbilt*, 116, Ind., 11, 18 N. E., 266, 9 Am. St. Rept., 820. But the presumption is in favor of the reasonableness and propriety of the action of the board. *Burdick v. Babcock*, 31 Iowa, 526; *Smith v. Dist. Township*, 42 Iowa, 522.

It is contended that the rule of defendant board already quoted, under which plaintiff was suspended, does not apply to the conduct of pupils of the school on holidays and outside of school hours, and that, if it is to be construed as having application to the action of pupils away from the school grounds and on a day when the school is not in session, it is unreasonable and invalid. But, in view of the general discretion given to boards of directors, as above indicated, we are not disposed to hold that the rule as applied in the present case by the defendant board is unreasonable or in excess of authority.

The general character of the school and the conduct of its pupils, as affecting the efficiency of the work to be done in the schoolroom and the discipline of the scholars, are matters to be taken into account by the school board making rules for the government of the school. They have no concern, it is true, with the individual conduct of the pupils wholly outside of the schoolroom and school grounds and while they are presumed to be under the control of their parents, or after they are beyond the age of parental control, to be governed by the rules which regulate the conduct of all members of the body politic; but the conduct of pupils which directly relates to and affects the management of the school and its efficiency is within the proper regulation of the school authorities. Thus it has been held that rules as to absence and tardiness of pupils and their misconduct on the way to school, or on going home from school, are properly within the scope of the power of school officers. *Burdick v. Babcock*, 31 Iowa, 526; *Lander v. Seaver*, 32 Vt., 114, 76 Am. Dec., 156; *Deskins v. Gose*, 85 Mo., 485, 55 Am. Rep., 387. We have no doubt as to the power of the defendant board in the exercise of its reasonable discretion as to the management of the high school to determine that it was detrimental to the best interests of the school that pupils should be encouraged by their school associations to engage in games of football with teams of other high schools, and we think that their proper power, with reference to the encouragement or discouragement of the playing of football by pupils of the school, was not limited to the high school grounds, but extended to participation by the pupils in games as members of a team purporting to represent in any way the high school under the control of defendant board; and we therefore reach the conclusion that, giving to the rule the interpretation which the board gave it in holding it to be applicable to the act of plaintiff, such rule was not unreasonable nor in excess of the powers of the board. Whether or not the conduct of the plaintiff was in fact a violation of such reasonable rule as thus interpreted was, as we think, a question, not of the jurisdiction of the board, but of the propriety of its action, which we can not review in the present proceeding. In short, we hold that the defendants as a board had authority to prohibit, and did prohibit, the pupils of the high school from playing football in a game purporting to be played under the auspices of the school or on a team purporting to be a team representing the school.

2. The other questions presented on this appeal may be briefly disposed of in accordance with principles already announced. If the board had the power to make the rule in question, then the findings as to whether the rule had been violated by the plaintiff and whether the apology tendered by him was sufficient or not are not subject to review in this proceeding and can be tested only by appeal to the county superintendent. Plainly it is not intended that the courts shall interfere with the action of the school authorities in matters of discipline as to which such authorities are vested with discretionary power. *Burdick v. Babcock*, 31 Iowa, 526; *McCormick v. Burt*, 95 Ill., 263, 35 Am. Rep., 163; *Watson v. Cambridge (Mass.)*, 32 N. E., 864. And, in general, as to the proposition that the discretion of a school board cannot be interfered with by the courts as to a matter within its jurisdiction, see *Preston v. Board of Education*, 124 Iowa, 355, 100 N. W., 54; *Marshall v. Sloan*, 35 Iowa, 445; *Barnett v. Direc-*

tors, 73 Iowa, 134, 34 N. W., 780; *Bogaard v. Independent Dist.*, 93 Iowa, 269, 61 N. W., 859; *State ex rel. v. Board of Education* (N. J. Sup.), 45 Atl., 775.

The action of the trial court in sustaining the demurrer to plaintiff's petition and rendering judgment for defendant was correct, and it is affirmed.

### III. THE SEATTLE HIGH SCHOOL FRATERNITY CASE.

(*Wayland v. Board of School Directors of District No. 1, of Seattle, et al.* Supreme Court of Washington. August 15, 1906, 86 P., 642.)

The principle of the adequacy of the authority of a local board of education to make such rules and regulations for the conduct and government of the schools under its care is here, as in the preceding case, again maintained. The decision seems timely for citation and consideration under the present conditions of development and importance of certain social characteristics within the secondary schools of the country.

The case arose from a suit by George Wayland, by Russell Wayland, his guardian ad litem, against the board of school directors of school district No. 1, of Seattle. The judgment of the superior court in favor of the defendants was affirmed.

The opinion of Judge Crow is here reproduced in full:

This action was commenced by appellant against the board of school directors of school district No. 1, in Seattle, King County, Wash., and other school authorities of said district, to restrain them from enforcing certain rules which deprive members of Greek letter fraternities of the privileges of said high school, except that of attending classes. The appellant, George Wayland, a minor 18 years of age, sues, by Russell Wayland, his guardian ad litem, on behalf of himself and other members of the Gamma Eta Kappa fraternity. He alleges that all members of said fraternity are of school age and entitled to all the privileges of said high school; that they are unjustly prohibited from belonging to debating clubs, athletic teams, school bands, glee clubs, orchestras, cadet corps, and other kindred organizations of said school, and that, unless they withdraw from said fraternity, they will also be deprived of the customary honors attending graduation; that they have no privileges except that of attending classes; that said rules are in excess of lawful authority; that there is nothing objectionable in said fraternity; that its meetings are held at the homes of members, with the consent of their parents, every two weeks, from 8 to 10 o'clock p. m., and never during school hours; that they are not under the jurisdiction of the school authorities, but are under parental control; that at said meetings improper conduct is prohibited, and that a high-class literary program is carried out. The answer pleaded an affirmative defense, substantially alleging the facts afterwards found by the trial court. From a final judgment refusing injunctive relief, this appeal has been taken.

The trial court made findings of fact, from which it appears that at the time of the commencement of this action George Wayland was a

student in the Seattle High School and also a member of a certain secret Greek letter society, known as the "Gamma Eta Kappa fraternity;" that the membership in said fraternity and in other similar high school secret societies was confined particularly to high school students; that such societies were therefore usually known as high school fraternities; that members other than such students were admitted as honorary members only; that said Gamma Eta Kappa fraternity was first organized in Seattle during the year 1900, at which time a request was made by it for the use of the name of said Seattle High School; that before acting on said request the high school authorities instituted a careful investigation to ascertain the probable effect of such societies on the school; that after such investigation and after receiving reports from many prominent educators, all of whom unqualifiedly condemned the influence of said societies as highly deleterious and injurious, the school board of said Seattle district, on May 7, 1901, passed a resolution whereby said request for the use of the name of the Seattle High School in connection with said fraternity was refused and membership of students in any secret society connected with said school forbidden; that at all times thereafter it was contrary to the rules and regulations of said high school for pupils to become members of the said fraternities; that afterwards said George Wayland, while a student in said school, became a member of said Gamma Eta Kappa fraternity, as did other students; that it was also contrary to the said rules and regulations for students to become pledged to said secret societies; that said rules and regulations were from time to time modified to meet emergencies in accordance with the activities of said societies in pledging or initiating members; that on May 5, 1905, the school board by final action amended its former rules so as to provide that all students who were then members of any high school secret society, or pledged to become such, who would promise that so long as they remained students of said high school they would not become members of any other such secret society or give any promise or pledge to become such, or solicit any other student to give any promise or pledge to become a member of any high school fraternity or secret society, and in good faith kept such promise—such students would be restored to the privileges of such school—otherwise all students who thereafter should become members of, or in any way pledge or bind themselves to join, any high school fraternity or secret society, or should initiate or pledge any other students, or in any way encourage or foster the fraternity spirit in the high school, should be denied all the privileges of the high school except those of the class room; that the influence of the said Gamma Eta Kappa fraternity and similar secret societies, and the membership and pledging of students therein, permeating said school, injuriously affected the good order and discipline thereof; that in adopting the various rules and regulations aforesaid, and in denying certain privileges of said school to pupils who refused to comply therewith, the respondents at all times acted in good faith and in the exercise of an honest judgment; that such action was at all times general in its application and at no time special, malicious, or arbitrary, and that all such rules and regulations and particularly those in force and effect at the time of the institution of this suit were reasonable and necessary and were wholly within the powers of the respondents.

It will be observed that no attempt is being made by the respon-



dents to deny appellant any instruction afforded by class work or by the required curriculum of the school. He is only denied certain other privileges, such as participation in athletic, literary, military, musical, or class organizations. In other words, the respondents made it optional with appellant to determine whether, against the known wishes of the school authorities, he would continue his membership in said secret society, and thereby forfeit participation in the privileges above mentioned, which were no part of the class work or curriculum, or whether by complying with the adopted rules he would elect to enjoy the privileges of which he is now deprived. The appellant contends that the trial court erred (1) in making certain of the above findings of fact to which he has excepted; and (2) in entering judgment dismissing his complaint. Appellant especially complains that the evidence does not sustain the finding that all active members of the Gamma Eta Kappa fraternity were high school students, and that any members not students were honorary members only. There may have been an instance in which an active member was not a student when initiated, but he had been a student immediately prior thereto, and there is no evidence that he did not intend to so continue. In any event it is immaterial whether he or even other members were students. It clearly appears that the fundamental purpose was to organize with students of the Seattle High School. The evidence shows that this particular Gamma Eta Kappa fraternity is a branch or chapter of a general organization having other chapters in various high schools throughout the country; that it is subordinate to a general or parent governing body, and that the entire organization is essentially a confederation of associations composed in the main of high school students. We call attention to a certain periodical which, with the consent of both appellant and respondents, was admitted in evidence and is entitled: "The Gamma Eta Kappa Magazine, Quarterly, Devoted to the Interest of the Gamma Eta Kappa Fraternity of the United States of America, and Published by the Grand Conclave." This magazine appears to be in the charge of one general editor, located in San Francisco, assisted by chapter editors, members of 20 distinct chapters, including Rho Gamma Chapter, the one of which appellant is a member, purporting to be connected with the Seattle High School. In this magazine we find the following editorial: "In former editorials we have frequently dwelt upon our old standby of High School Fraternities versus School Boards and Principals, but we feel compelled to again state the facts on account of recent developments. The principal of the Seattle High School does not know what a fraternity is or he would not attempt to enforce his proposed futile plans. It is simply a case of all educators not educated. Imagine the monarch that could prohibit a man from wearing a fraternity pin. The Sacramento board by a vote of 6 to 3 recently decided 'To forbid any member of the Sacramento High School from joining a "frat" society in that school.' There is no penalty affixed, and the resolution was simply adopted to quell public sentiment in order to secure a favorable vote from the people on new school bonds. In voting on this motion but one member of the board expressed the belief that the law would uphold them in attempting to crush a society in a public institution; in other words they are educated. We hope that others will learn and save us the trouble of summoning our army of able

attorneys, who are willing to defend us in the courts, and in doing so will make these uneducated beings feel their lack of knowledge with humiliation and chagrin at the expense of the poor unfortunates."

This magazine also publishes a letter from the Rho Gamma, or Seattle chapter, in which the existing differences between it and the Seattle high school authorities are discussed. This letter in part says: "And now comes the most unkindest cut of all. Beginning with the coming school year, in addition to the restrictions already imposed, all members of fraternities and sororities will be denied the right of graduation or of representing the school in any field of effort or competition. This is according to an open letter from Supt. Cooper to Prof. Twitmeyer. He calls Mr. Twitmeyer's attention to a recent ruling of the board which authorizes his action. According to the ruling, the superintendent is given authority 'to repeal all existing regulations.' This phrase may or may not be significant, for as far as the secret societies are concerned, they will go ahead and prosper as before. There will be no difficulty in pledging and initiating new members as they may be desired, because, far from creating any dismay among the students, it has aroused a feeling of indignation and that natural antipathy to restriction which is inherent in the American youth. \* \* \* It is barely possible that Rho Gamma Chapter will incorporate, but it is a question whether such action would help matters any or would only add fuel to the flame." Letters from the Sacramento, Cal., and Denver, Colo., chapters are also published, showing a like spirit of insubordination against lawful school authority. We incorporate these quotations in this opinion to illustrate the seditious spirit permeating this organization, with which the school authorities were obliged to deal. Without further discussion of the evidence, we express our complete satisfaction with each and all of the findings made by the honorable trial court.

The only remaining question is whether the board of education had authority to adopt the rules complained of. Appellant insists that section 2334, Ballinger's Ann. Codes & St., provides who shall be admitted to the public schools, and that the board of education can not exclude any pupils so entitled to attend. No issue need be taken with this contention. The board has not excluded the appellant from the Seattle High School, neither has it threatened to expel or suspend him. He can and does attend school, and, under our construction of the rules adopted, he is at the same time permitted to continue his membership in the Gamma Eta Kappa fraternity; although in doing so he opposes the authority of the board and thereby forfeits certain privileges which are no necessary part of the curriculum or class work, from which he is not excluded. Respondents are only seeking to prevent appellant and his associates from dictating the terms on which they shall enjoy certain privileges which are merely incidental to the regular school work, and this they have authority to do. Appellant further contends that, as the fraternities meet out of school hours at the homes of members, and at no time in the school building, and as their parents consent to this action, the board is exceeding its lawful authority in entering their homes, in withdrawing from parents the control of their children, and in dictating what the children shall or shall not do out of school hours. We think this contention unreasonable. The board has not invaded the homes of any

pupils, nor have they sought to interfere with parental custody and control. They have not said these fraternities shall not meet at the various homes, nor have they attempted to control students out of school hours. The evidence shows beyond a doubt that these secret organizations when effected foster a clannish spirit of insubordination, which results in much evil to the good order, harmony, discipline, and general welfare of the school. We can express these conditions in no better terms than by quoting from the testimony of Prof. Geiger, the principal of the high school, who says: "I have found that membership in a fraternity has tended to lower the scholarship of the fraternity members; \* \* \* the general impression that one gets in dealing with them is one of less respect and obedience to teachers. It is found that there is a tendency toward the snobbish and patronizing air, not only toward the pupils, but toward the teachers; there is a certain contempt for school authority. This is in a measure, I think, aggravated by the attitude of the parent organization, which seems to encourage members of the fraternity in this contempt for school authority, and one of the most difficult things in dealing with the situation is the fact that the members have this allegiance to a general organization or headquarters, which are often located in a distant city and which it is difficult to reach and which exercises upon the members in the local school a very powerful influence. \* \* \* In dealing with these fraternity members I have been assured more than once that they considered their obligation to their fraternity greater than that to the school." The evidence of this witness with that of the president of the school board and other school authorities overwhelmingly establishes the fact that such fraternities do have a marked influence on the school, tending to destroy good order, discipline, and scholarship. This being true, the board is authorized, and it is its duty, to take such reasonable and appropriate action by the adoption of rules as will result in preventing these influences. Such authority is granted by section 2339 and subdivisions 5 and 6 of section 2362, Ballinger's Ann. Codes & St. It would be difficult to confer a broader discretionary power than that conferred by these sections. Manifestly it was the intention of the Legislature that the management and control of the school affairs should be left entirely to the discretion of the board itself, and not to the judicial determination of any court. These powers have been properly and legally conferred upon the board, and unless it arbitrarily exceeds its authority, which it has not done here, the courts can not interfere with its action. (*Kinzer v. Directors, etc.* (Iowa), 105, N. W., 686; *Board of Education v. Booth* (Ky.), 62 S. W., 372, 53 L. R. A., 787; *Watson v. City of Cambridge* (Mass.), 32 N. E., 864.)

The appellant has cited a number of cases which in effect decide that the school board would have no authority to refuse him admission to the high school. This the board has not attempted to do; hence these citations are not in point. The only case mentioned by appellant which seems to be cognate to the questions here involved is that of *State ex rel. Stallard v. White*, 82 Ind. 278, 42 Am. Rep. 496, in which the Supreme Court of Indiana held that the officers and trustees of Purdue University, an institution controlled and supported by the state, could not require an applicant otherwise qualified to sign a pledge relative to membership in Greek fraternities as a condition precedent to his admission as a student. The university au-

thorities had adopted a rule that no student should be permitted to join or be connected with any so-called Greek or other college secret society, and as a condition of admission to the university or promotion therein should be required to give a written pledge to observe such regulation. The relator declined to sign such a pledge and was refused admission as a student for that reason only. The decision which ordered his admission was by a divided court.

The majority opinion, however, is not in point as supporting appellant's contention. The appellant has not been refused admission to the high school. The school authorities have only endeavored to exercise a governmental control over him after his admission, without even attempting to suspend him. In the majority opinion in *State ex rel. Stallard v. White*, supra, the court said: "The admission of students in a public educational institution is one thing, and the government and control of students after they are admitted and have become subject to the jurisdiction of the institution is quite another thing. \* \* \* It is clearly within the power of the trustees, and of the faculty when acting presumably or otherwise in their behalf, to absolutely prohibit any connection between the Greek fraternities and the university. The trustees have also the undoubted authority to prohibit the attendance of students upon the meetings of such Greek fraternities or from having any other active connection with such organizations, so long as such students remain under the control of the university, whenever such attendance upon the meetings of, or other active connection with, such fraternities tends in any material degree to interfere with the proper relations of students to the university." The above language shows that the *Indiana* case, upon which the appellant relies, utterly fails to sustain any of his contentions. Our attention has not been called to any adjudicated case at all similar to this. Citation to authority, however, is unnecessary, as under our statutes the respondent school board had undoubted authority to take the action of which appellant complains, and the courts should not interfere with said board in the enforcement of the rules and regulations which it has adopted.

The judgment is affirmed.

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#### IV. THE STATUS OF THE PUBLIC HIGH SCHOOL IN THE AMERICAN SCHOOL SYSTEM.

(Board of Education of the City of Lawrence v. Dick et al. Supreme Court of Kansas. December 1, 1904. 78 Pacific, 812.)

Coming at this stage in the development of American public secondary education, the following case is worthy of consideration. It presents further evidence of the fact that it was the design of the founders of our American states to include a complete system of education within the opportunity of all. The case itself presents no really new feature, but is included here because it reaffirms in unmistakable terms a fundamental doctrine of the American school system.

The case arose from action by Harry Dick and others against the Board of Education of the City of Lawrence, to test the constitutionality of that part of section 1, chapter 224, page 326, of the Laws of 1899 (section 6305, General Statutes, 1901), authorizing cities of the second class to maintain high schools in whole or in part by collecting a tuition fee from each pupil.

The judgment for the plaintiffs rendered in the district court of Douglass County was affirmed. The decision of Justice Green is thought to deserve careful reading by all those interested in the development and the protection of the American free public school system, including all grades of instruction from the lowest to the highest.

The plaintiffs, for themselves and 400 others similarly situated, brought this action to restrain the board of education of the city of Lawrence, a city of the second class, from enforcing one of its resolutions previously adopted, authorizing the superintendent of its city schools to expel from the high school all resident pupils who refused to pay a tuition fee of \$2.50 per term. The petition alleges that the plaintiffs are residents and taxpayers of the city of Lawrence, and the parents of the children between the ages of 6 and 20 years; that the board of education had previously passed a resolution to the effect that all pupils attending such school should be required to pay a tuition fee of \$2.50 per term, and had authorized the superintendent of schools of the city to expel from such school all children then attending who refused to pay such tuition fee on or before a certain day therein named. Upon the application of the plaintiffs a temporary restraining order prohibiting said board from enforcing the conditions of the resolution was allowed, and finally made permanent. It was held generally that the board of education had no power to impose a tuition fee upon the resident pupils as a condition precedent to attending such school.

The question involved is, has the Legislature of the state of Kansas power to authorize the board of education of cities of the second class to impose a tuition fee upon resident pupils attending the high school? If this question is answered in the affirmative, it must be held that the board acted with authority. The Legislature attempts to confer such authority upon the board of education of the cities of the second class within the state by the enactment of section 6305, Gen. St., 1901. This section reads:

"The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever in their opinion the educational interests of the city demand; and to exercise the sole control over the schools and school property of the city; and maintain such high school, in whole or in part, by demanding, collecting, and receiving a tuition fee for and from each and every scholar or pupil attending such high school." Plaintiffs contend that the common schools of Kansas are free schools, and that this section, in so far as it attempts to confer power upon the board of education of cities of the second class to impose a tuition fee upon pupils

attending such schools, contravenes section 2, art. 6, of the Constitution of Kansas, and is void. The constitutional provision invoked reads: "The Legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate, and university departments."

The one great hope of the republic lies in the intelligence and morality of the individual citizen. To encourage, promote, and inculcate intelligence and morality large bodies of land were reserved by the government from the public domain to many of the states upon their admission into the Union, to be used for a permanent school fund. Section 34 of our organic act provides "that when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said territory and in the states and territories hereafter to be erected out of the same."

Recognizing the great need of popular education, the framers of our Constitution, in addition to the provisions hereinbefore quoted making it compulsory upon the Legislature to establish a uniform system of common schools, inserted section 3, art. 6, which reads: "The proceeds of all lands that have been or may be granted by the United States, for the support of schools, and the five hundred thousand acres of land granted to the new states, under an act of Congress distributing the proceeds of public lands among the several States of the Union, approved September 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent as may be granted by Congress, on the sale of lands in this state, shall be the common property of the state shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the Legislature may provide, by tax or otherwise, shall be inviolably appropriate to the support of the common schools." Ample provisions are found elsewhere for the annual distribution of this fund to the several county treasurers of the state, to be used in the support of the common schools. In addition to the fund thus provided, the Legislature has made provisions for the support of the common schools, and enacted rules for the general management by officers to be elected by the voters of the locality where the schools are to be maintained.

In view of the numerous provisions made by the general government and the Constitution of this state as well as the history of its legislative enactment, for the establishment and maintenance of a common school system under which the children have been educated for the past 40 years, the suggestion that such schools are not free comes as a surprise at least. This, however, cannot change the provisions of our Constitution, and it is to such provisions we must look to determine whether the system of common schools it commands the Legislature to encourage was to be a system of free common schools or pay common schools. We can only determine this by ascertaining what was meant by the words "common schools," as therein used. If we find that they have acquired a technical meaning, we must

assume that they were used in the Constitution in their technical sense. The high school in cities of the second class is a department of the common school system of such a city, in which the higher grades of the common school are taught. *Board of Education v. Welch*, 51 Kan., 792, 33 Pac., 654; *Whitlock v. State ex rel. School District*, 30 Neb., 815, 47 N.W., 284. The phrase "common schools" is synonymous with "public schools." *Jenkins v. Andover*, 103 Mass., 94. Both have been defined by lexicographers and by judicial interpretation to mean "free schools." *Merrick and others v. Inhabitants of Amherst and others*, 12 Allen, 509; *Roach v. The Board of President and Directors of the St. Louis Public Schools*, 77 Mo., 484; *Collins v. Henderson, etc.*, 74 Ky., 74; *Irvin Gregory (Ga.)*, 13 S. E., 120 *Roach v. Board of President and Directors of the St. Louis Public Schools*, 7 Mo., App., 567; *People v. Board of Education of Brooklyn*, 13 Barb., 400. In 25 Am. and Eng. Encyc. of L., it is said: "Common or public schools are, as a general rule, schools supported by general taxation, open to all of suitable age and attainments, free of expense, and under the control of agents appointed by voters." Mr. Black, in his *Law Dictionary*, defines common schools to be "schools maintained at the public expense and administered by a bureau of the state, district, or municipal government, for the gratuitous education of the children of all citizens without distinction." Mr. Anderson, in his *Law Dictionary*, says: "Common or public schools are schools supported by general taxation, open to all free of expense, and under the control of agents appointed by the voters." *Repalje and Lawrence* define common schools to be "public or free schools, maintained at public expense, for the elementary education of children of all classes." Mr. *Bouvier*, in his *Law Dictionary*, says that common schools are "schools for general elementary instruction, free to all the public." *Chancellor Kent*, in his *Commentaries*, vol. 2, p. 195, in discussing free common schools in the several states of the Union, on the continent, and in many European countries, uses the phrase "common schools" exclusively. It must be assumed that the men who wrote our Constitution used the phrase "common schools" in its technical sense, as we find it defined. We think it follows, therefore, both from authority and reason, that the phrase "common schools" was used in the Constitution in its technical sense, which means free schools, and that the common schools of Kansas are free schools. The act of the Legislature attempting to authorize boards of education of cities of the second class to collect tuition fees for the admission of resident pupils into such schools violates this provision of the Constitution of this State, and is therefore void.

A contention is made that the word "otherwise," found in the latter part of section 3, art. 6, of the Constitution by which the legislature is directed to add to the permanent school fund by taxes or otherwise, is an express authority to add to it by charging a tuition fee. The word "otherwise," as there used, simply means that the Legislature may set apart for public school purposes such moneys as may come into the public treasury incidentally, such as fines imposed for violation of laws of the State, and items of a similar character. To charge and collect a tuition fee would not be adding to the permanent school fund.

The objection that the plaintiffs cannot maintain this action, on the ground that an individual cannot maintain an action to restrain public officers from performing a public duty, unless such party can show some personal, pecuniary, or special interest, or some injury which he may sustain other than the public generally, cannot be sustained. The exclusion of the plaintiff's children from the public schools, is a question in which they have a special and peculiar interest, not held in common by the people of the state. While the people of the state and county have a general interest in the education of its children, the exclusion of any particular child directly affects the parents of that child in a much greater degree than it does the public. In *Craft v. Jackson Co.*, 5 Kan., 518, 521, it is said: "If the injury is one that particularly affects a person, he has his right of action."

The judgment of the court below is affirmed. All the Justices concurring.

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**SUBJECT IN: EX:**

[Figures in *italics*, within parentheses, refer to treatment numbers; others to pages]

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Academies. See High schools.  
Accounts, public school law, (*7*).  
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PENNSYLVANIA: 10; (*29*), 21; 23; (*63*), 27; (*114*), 32; (*115*, *116*), 33; (*170*, *171*), 39; (*186*), 41; (*318*), 61; (*354*), 65; 80; (*493*), 89; 94; (*569*), 99; 106; (*607*), 107; (*614*), 108; (*640*), 113; (*656*, *657*), 115; (*715*), 122; (*740*), 125.

## PHILIPPINE ISLANDS: 11.

[Figures in *italics*, within parentheses, refer to enactment numbers; others to pages.]

**PORTO RICO: 11.**

**RHODE ISLAND:** 9; 10; (344), 64; 94; (570), 99; (685), 118.

**SOUTH CAROLINA:** 9; 10; (64), 27; (207), 43; (233), 51; (319), 61; (355), 65; (426), 78; (586), 102; (597), 105; 106; (606), 107; (700-702), 121; (722), 123; (729), 124; (741), 125.

**SOUTH DAKOTA:** 10; 23; (65), 27; (172, 173), 39; (187, 188), 41; (208), 43; (233a), 51; (298), 58; 62; (345), 64; (361), 67; 69; (401), 74; (417), 76; 90; (510, 511), 91; 106; (610), 108.

**TENNESSEE:** 10; 45; (234), 51; 53; (264), 55; (362), 67; (370), 68; (456), 83; 87; (494, 495), 89; 94; (571), 99.

**TEXAS:** 10; (3), 17; 37; (174), 39; (189-191), 41; (529), 94; (730), 124.

**UTAH:** 10; (4), 18; (30), 21; (66-68), 27; 29; (117, 118), 33; (175), 39; 45; (235), 51; (320), 61; (363), 67; 69; (402), 74; (418), 76; (496), 90; 94; (572), 99; (598), 105; 119; (703, 704), 121; (716), 123.

**VERMONT:** 10; (5, 5a), 19; (31), 21; (119), 33; (146), 36; (209), 43; 45; (236), 51; (250), 53; (346), 64; (364), 67; (403), 75; (410), 75; 84; (472), 86; 92; (530), 94; (573, 574), 99; (575, 576), 100; (583), 101; (589), 103; 113; (658), 115; (705), 121.

**VIRGINIA:** 10; (32-34), 21; (69), 27; (70-72), 28; 29; (120-123), 33; (124), 34; 37; (176), 39; (178, 179), 40; (210), 43; 52; (251), 53; (265), 55; (294), 58; (321), 61; 62; (347, 348), 64; (356, 357), 66; 69; (404), 75; (438), 80; (443), 81; 87; (497), 90; (512), 91; (537), 102; (599, 602), 105; (611), 108; (659), 116; (706, 708), 121.

**WASHINGTON:** 10; (35), 22; (125), 34; (147), 36; (237), 51; (295), 58; (322), 61; (349, 350), 64; (405, 411), 75; (427), 78; (473), 86; 94; (577), 100; (717), 123.

**WEST VIRGINIA:** 10; (192), 41; 55; (296), 58; (323), 61; (365), 67; 80; (444), 81; 94; (578), 100.

**WISCONSIN:** 10; 19; (36, 37), 22; 23; (73-76), 28; (126-129), 34; (148), 36; 45; (238, 239), 51; 53; (266, 267), 55; (324), 61; 62; (351, 352), 64; (353), 65; (358), 66; (371), 68; (406), 75; (412, 413), 76; (474, 475), 86; (478), 87; (498), 90; 92; (531), 94; (580, 581), 100; (600), 105; (625a), 111; (631), 112; (660, 661), 116; (686, 687), 119; (707), 121; 123; (731), 124; (742-745), 126.

**WYOMING:** 10; (149), 36; (297), 58; (325), 61; (662), 116; (683), 119; (718), 123.









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